

October 20, 2008, MB#51

Catawba County Board of Commissioners
Regular Session, Monday, October 20, 2008, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, October 20, 2008 at 7:00p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn Lail and Commissioners Dan Hunsucker, Glenn Barger and Barbara G. Beatty.

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Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes of the Regular Meeting of Monday, September 15, 2008. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically Reginald Hamilton of the Hickory City School Board, members of the Farm Bureau and two cub scouts from Pack 325 who were working on their citizenship badges.

Chair Barnes then noted the upcoming elections and recognized both Commissioners Barbara Beatty and Dan Hunsucker as candidates in that election.

6. Comments for Items not on the Agenda.
Brenda Huggins and Kenyon Kelly came forward to thank the Board for its support of the county's parks and for extending the hours for the citizens' enjoyment. Jerry Campbell came forward and thanked the Board for ensuring his relative's name on the World War II memorial and also thanked the Board for all their efforts in the land use planning in the County.
7. Public Hearings:
 - a. Chris Timberlake, Planner, came forward presented a request for the Board to hold a public hearing and approve a request by Princeton Management to rezone two parcels, totaling 3.24 acres, from R-30 Residential to RC Rural Commercial. The properties are located at 7774 Hudson Chapel Road and 2122 Clyde Road in the Sherrills Ford Small Area Planning District. One parcel is currently zoned R-30 Residential and the location of a business known as Bill's Marina. The second parcel is zoned R-30 Residential and occupied by a single-family residential structure. Lake Norman is to the east of the parcels. Property to the south, north and west is presently zoned R-30 and R-40 Residential, with one parcel being used for commercial purposes and the others with single family residences or currently vacant.

The current R-30 Residential District permits a maximum of 1 dwelling unit per 0.75 acre, which theoretically calculates to four parcels for individual dwelling units. The RC Rural Commercial district being requested would permit a maximum floor area ratio of one square foot of building floor space per 5 square feet of land area. The allowed floor area would be 28,226 square feet. If the rezoning is approved, further development of the properties would be subject to the Catawba River Corridor-Overlay, Floodplain Management-Overlay, WS-IV Watershed Critical Area, and development standards in the County's Unified Development Ordinance. For non-residential developments, the Catawba River Corridor-Overlay would require that any future lots meet a minimum lot width along the water front and that Low Impact Development techniques be incorporated in the development of the property. Any structures proposed to be located in the floodplain would have to meet floodplain regulations. Because the properties are located within the WS-IV Watershed Critical Area, the maximum built upon area for the 3.24 acres may be as little as 24 percent or 0.77 acres (33,872 sq. ft.). Both public water and sewer are unavailable at this location. The properties are currently served by individual well and septic systems.

Hudson Chapel Road is considered a minor collector road. There are no current traffic counts for Hudson Chapel Road in the area of the properties. 2007 traffic counts along Hudson Chapel Road range between 940 and 3,200 vehicles per day. The Catawba County Thoroughfare Plan indicates the road design can accommodate 13,300 vehicles per day and does not recommend any road improvements. Clyde Road is a local residential road for which there is no traffic data available.

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The Sherrills Ford Small Area Plan serves as the current land use plan for this area. The subject property is in an area recommended for rural commercial use. Because the request is for a rural commercial use district, staff considers the request to be consistent with the Small Area Plan. A rezoning to RC Rural Commercial would align the zoning district with the pre-existing commercial use, which was established prior to the adoption of the County's first zoning ordinance.

The Planning Board held a public hearing on September 29, 2008. Eleven persons, including the applicant, spoke in favor of the request. Eleven persons spoke in opposition. Those in favor felt the request was in conformance with the Small Area Plan, would increase property values by allowing the marina to expand or remodel, and offer additional conveniences to the area. Those opposing the request felt approval would increase traffic in the area, allow uses in the vicinity of their residences which are not suitable, decrease property values, or did not support a request without a plan. By a vote of 7-1, the Planning Board recommended adoption of a statement affirming the consistency of the rezoning request with the Sherrills Ford Small Area Plan, and the rezoning of the properties from R-30 Residential to RC Rural Commercial based on the Sherrills Ford Small Area Plan depiction of the properties as being in a future rural commercial area, the purpose of the RC Rural Commercial district, and the ability to align the use with the correct zoning district designation by this rezoning.

Chair Barnes opened the public hearing and the following persons came forward to speak:

Charles Brawley – Clyde Road – spoke against rezoning citing his concern for the river, erosion, waterfowl and the need to keep the property residential.

Rich Hoffman – working for the applicants – spoke in favor of rezoning citing owners of marina's investments to date, the property would be more in compliance if rezoned and the fact that the land use plan supported the rezoning.

Robert Miller – Clyde Road – spoke against rezoning citing the advanced age of most of the residents of the area and worries of increased traffic.

Robbie Massengill – Summit Ridge Dr. – spoke in favor of the rezoning citing the benefit for surrounding property owners and the rezoning would allow for growth and investment.

Brian Bennett – Sierra Dr. – spoke in favor of the rezoning citing it would be nice to see improvements at the marina and the rezoning would be necessary to secure funds to improve the marina.

Roy Buchanan – Clyde Road – spoke against the rezoning citing the property in question should remain residential because it is surrounded by residential properties.

Ms. Belinda Crane – Olive Church Rd – spoke in favor of the rezoning - worked for the developer who is requesting rezoning – the developer always does the right thing – leaves green space.

Suzanne Parker – Astoria Lane – spoke in favor of the rezoning citing the marine had always been commercial property and the rezoning was necessary to obtain funding to improvements.

Nancy Marine Johnson – Sherrills Ford – spoke in favor of the rezoning – believes the proper zoning is commercial and the rezoning would allow funding for repairs and increase property values.

Jimmy Stroup – spoke in favor of the rezoning – currently keeps a boat at the marina and would like to see improvements. Believes the Board needs to be consistent with the zoning currently in place for the marina.

Cliff Frost – Barber St. Sherrills Ford – spoke in favor of the rezoning citing it was necessary for future investment to be made in the property.

Jackie Bracket – Clyde Road – spoke against the rezoning – as a property owner near the property wants it to remain residential.

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Joan Elliott – Popular Lane, Sherrills Ford – spoke in favor of rezoning citing the marina always being commercial – and the Board should follow the land use plan.

After closing the public hearing, the Board discussed how big the commercial node was, the existing zoning of the marina, if buffers were in place, its understanding of the residents wanting to keep it residential but the proximity of the second parcel to the marina and the recommendations of the land use plan. Vice-Chair Lail made a motion to approve the rezoning the request and the motion was unanimously carried. The following ordinance and consistency statement apply:

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On October 20, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of Princeton Management (Case #RZ2008-8).

Upon considering the matter, the Catawba County Board of Commissioners find the item to be consistent with the Sherrills Ford Small Area Plan and approves the zoning map amendment. This approval was affirmed by a vote of ____-____ of the Catawba County Board of Commissioners.

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described properties from R-30 Residential to RC Rural Commercial.

Two parcels totaling 3.24 acres located at 7774 Hudson Chapel Road and 2122 Clyde Road in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel Identification Numbers 4701-04-74-7078 and 4701-04-74-5196.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Sherrills Ford Small Area Plan.

This the 20th day of October 2008.

b. Chris Timberlake, Planner, came forward and requested the Board hold a public hearing and approve a rezoning request and proposed actions regarding Crosland, LLC's proposed BridgeWater development. These actions were the rezoning of approximately 54 acres in Catawba County from R-20 Residential and HC Highway Commercial to PD-CD Planned Development-Conditional District and approved a Development Agreement for the BridgeWater development, as proposed by Crosland, LLC.

The properties are located along Highway 150 and the proposed Highway 16 Bypass intersection in the Sherrills Ford Small Area Planning District. As proposed, the project crosses into Lincoln County with approximately 54 acres in Catawba County and 37 acres in Lincoln County. The property includes parcels that are vacant and zoned R-20 Residential and HC Highway Commercial. Some properties to the north are zoned R-20 Residential and occupied by single-family homes or are vacant. Other property to the north is zoned PD-CD and is the site for a proposed Lowe's Home Center. Properties to the east are zoned R-20 residential, with a single family home, and GI General Industrial. The future Highway 16 Bypass is to the west and properties to the south are in Lincoln County and zoned I-G General Industrial.

The planned development district is established to encourage the master planning of large scale, multiple and/or mixed use development patterns. Applicants who propose a planned development

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have more flexibility and creativity in design than is possible under conventional zoning regulations. The conditional zoning districts allow for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and are created or established for selected criteria. The development of these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of conditional zoning. Conditional zoning districts are based on a firm development proposal. The applicants have requested rezoning to a Planned Development – Conditional District (PD-CD).

The gross floor area of the BridgeWater project is proposed to be 704,900 square feet consisting of retail, office, and flex-industrial uses. Approximately 400,000 square feet is proposed to be in Catawba County. The portion of the project in Catawba County is in the Mixed Use Corridor-Overlay (MUC-O), which guides building, site, and pedestrian design, provides standards for traffic management, landscaping, screening and buffering, lists parking options, and states lighting and signage requirements. The project as proposed will meet the design standards of the MUC-O and PD districts.

BridgeWater has proposed to incorporate different activity nodes within the development. The “main retail” node is expected to be the location of a “big box” anchor store balanced by junior anchor stores. Its parking fields will be designed to be broken into smaller fields separated by extensive vegetation and open space areas. The open space areas will include sidewalks, a bus stop shelter, and other pedestrian amenities such as pavilions and trellises. Outparcels will be developed along Highway 150 and have pedestrian and vehicular linkages to the “main retail” and “village district” nodes. A “secondary retail” node is expected to be developed with junior anchor stores, outparcels, and community sites, which could include a park and ride location. A linkage road, sidewalks, and a trail system will provide connectivity between the “secondary retail” node and a “village district”. The “village district” node is intended to include a common village green, small retail shops, and on-street parking designed on a pedestrian scale. The arrangement of the buildings and village green is intended to encourage community events, outdoor dining, and a main street atmosphere located near water feature amenities. All of the nodes will be connected through a series of roads. Connectivity will be made available to pedestrians by use of sidewalks, a trail system, and a multi-use pathway along Highway 150 on the development’s frontage.

As part of the conditional zoning, a developer submits a list of voluntary conditions which exceed the general zoning standards that would apply to the site if the property is rezoned. Some of the conditions offered by the applicants, and recommended by staff, include types of exterior building materials; screening of dumpsters and loading and service areas; benches, trails and sidewalks; decorative exterior lighting; tree medians; and open spaces of approximately 20 acres.

Adequate public water will be made available to the site. The development of the property will necessitate the installation of public sewer service. Public sewer is currently not available; however, a development agreement included in this request defines the provider’s and developer’s responsibility toward participating in making sewer available to the site.

The Catawba County Thoroughfare Plan designates Highway 150 as a minor arterial road, designed to serve as a link between cities, larger towns and other major traffic generators. In 2005, the average daily traffic count along Highway 150 was 12,000 vehicles per day (10,000 vehicles per day west and east of Highway 16 respectively). According to the Thoroughfare Plan, the estimated capacity of Highway 150 is 14,200 vehicles per day. The Catawba County Thoroughfare Plan recommends the widening of Highway 150 to a four lane divided boulevard. The 2009-2015 Transportation Improvement Plan states that right-of-way acquisition for Highway 150 improvements will begin in 2014 starting with the segment from I-77 in Iredell County to eastern Catawba County. According to an August 2008 Traffic Impact Analysis, the BridgeWater development is projected to generate an additional 17,007 daily trips. That analysis recommends off-site transportation improvements to accommodate the additional traffic. Subject to the review of the North Carolina Department Of Transportation, the developer will install all transportation improvements

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recommended in the Traffic Impact Analysis or any amended analysis. The cost of off-site traffic improvements is estimated to be \$3.8 – \$4.5 million.

The Sherrills Ford Small Area Plan serves as the current land use plan for this area and the subject properties are located in an area designated as a regional commercial center in the Plan. Because the request is for a PD-CD Planned Development-Conditional District, and conforms to the recommendations of the Small Area Plan, staff considers this request to be consistent with the adopted land use plan.

North Carolina General Statutes §153A-349 et. seq. allows local governments to enter into a development agreement with a developer to mitigate for the impacts of a large-scale development project by the securing of amenities which will address growth, improve quality of life and provide long-term benefits to the community. The agreement also provides assurance to the developer that development standards will remain stable over the long-term life of the project. The proposed BridgeWater development, due to its size and long-term build out, qualifies under the General Statutes to be subject to a development agreement. The County and representatives of Crosland, LLC have co-drafted a development agreement that is viewed to be in the best interest of the county, by providing orderly growth and long-term benefits to the community, and meet the interests of the developers. The agreement establishes the terms and structure of the development by Crosland, LLC of approximately 54 acres. It provides for donation of land to the public, a schedule for construction deadlines, and cost-share percentages toward sewer installation. Adjoining property owners have received individually mailed notice and the properties have been posted with signs noting the time and place of a public hearing.

The Planning Board held a public hearing on October 7, 2008. The applicant addressed the determining factors in choosing the location for the proposed development, including the market, central proximity to major roads (321, I-40, I-485, I-77), and their projected trade area. No one spoke in opposition to the request. The Planning Board generally felt the development would offer positive economic opportunities and provide quality development which could serve as a model for other development. The Planning Board voted 8-0 to recommend the rezoning of the properties from R-20 Residential and HC Highway Commercial to PD-CD Planned Development-Conditional District based upon recommendations of the Sherrills Ford Small Area Plan, the availability and/or provision of adequate infrastructure as identified in the development agreement; and a Design Development Guidelines booklet which includes the development standards, associated Illustrative Site Plan, traffic improvements and information presented as part of the conditional zoning process including revisions to proposed signage. The Planning Board further recommended approval of the proposed development agreement subject to technical modifications, as approved and agreed to by the County Attorney and staff.

Chair Barnes opened the public hearing and representatives of Crosland, LLC made a presentation on the company and the proposal and two citizens (Scott Guiland and Brian Bennett) spoke in favor of the rezoning. No one spoke in opposition. Chair Barnes closed the public hearing and had a short discussion regarding the traffic study for the project. Board members voiced their pleasure at the quality of the Crosland developments they were familiar with. Commissioner Beatty made a motion to approve the rezoning request and the development agreement and the motion carried unanimously. The following ordinance and consistency statement apply (with development agreement on file with the County Planning Department:

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On October 20, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of Crosland, LLC (Case #RZ2008-009).

Pursuant to NCGS §153A-341, and upon consideration of the Sherrills Ford Plan, all material presented to the County by Crosland, LLC, members of the public and County staff, and upon further consideration of the environmental, growth, road improvements, economic and infrastructure needs of the area of Catawba County, the Board of Commissioners find the rezoning request to be

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consistent with the Sherrills Ford Small Area Plan, reasonable, and in the public interest for the following reasons:

- 1) A mixture of commercial and community uses in a pedestrian-friendly, architecturally designed development conforms with the Sherrills Ford Small Area Plan;
- 2) The transportation network is sufficient due to the development having controlled access to NC 150 Hwy and being adjacent to NC 16 Bypass, a funded and scheduled major thoroughfare which provides connectivity to major growth centers;
- 3) The compact retail center provides for a land use pattern centralizing the development as compared to individual developments scattered along NC 150 Hwy or traveling outside of the County for retail opportunities. The development could lessen traffic impacts along the eastern NC 150 Hwy corridor by providing for additional commercial opportunities in the western end of the corridor;
- 4) Provisions for public sewer extension and the developer's participation as stated in the development agreement will allow for the development of a large-scale regional commercial center identified in the Sherrills Ford Small Area Plan;
- 5) Higher zoning and development standards in the BridgeWater development and site conditions offered by Crosland Denver Highway 16, LLC conforms with the Sherrills Ford Small Area Plan;
- 6) The design of BridgeWater development provides for a land use pattern which will serve the needs of a larger population as recommended in the small area plan; and
- 7) Through the rezoning and the accompanying development agreement, the County will obtain public amenities such as an approximately one-acre parcel for a community services facility, reservation of highway right-of-way and off-site transportation improvements.

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This recommendation was affirmed by a vote of ____-____ of the Catawba County Board of Commissioners.

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described properties from R-20 Residential and HC Highway Commercial to PD-CD Planned Development-Conditional District (RZ2008-009).

Five parcels totaling approximately 54 acres located along NC 150 Hwy and more specifically the southeast portion of NC 150 Hwy and the proposed NC 16 Bypass intersection in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified by Parcel Identification Numbers 3686-15-52-8863, 3686-14-43-4006, 3686-14-42-4871, 3686-14-42-7905, and 3686-15-53-0253.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Sherrills Ford Small Area Plan.

This, the 20th day of October 2008.

c. Mary George, Senior Planner, came forward and requested the Board conduct a public hearing and adopt a Voluntary Agricultural District and Enhanced Agricultural District Ordinance. The North Carolina Farmland Preservation Enabling Act of 1985 authorized counties to establish programs to encourage the preservation of farmland. One such program provides for the establishment of protected farm areas called "voluntary agricultural districts." Agricultural districts raise public awareness of agriculture activities, support the continued viability of local agriculture and help local government officials identify active farming communities. The designation of agricultural districts would provide farmers with a series of benefits so long as the farmer was willing to restrict non-farming development for ten years. By being included in a district, a farm is recognized in the community, which provides a sense of pride. Public notice of the proximity to agricultural districts is provided. The program also allows for creation of a new Agricultural Advisory Board, which would review applications for districts and makes recommendations to other Boards on farming-related issues.

The concept of adopting a County voluntary agricultural district ordinance was identified in Catawba County's 1996 Strategic Growth Plan. One of the sixteen growth strategies in the plan was to establish a voluntary program to encourage farmland preservation in the county. Several of the adopted Small Area Plans (Balls Creek, Catawba, and Sherrills Ford) recommend the establishment of a county voluntary agricultural district program. Since 1990, North Carolina has lost 14,000 farms to development, a national record. Farming activity in the county has seen a steady downward trend since agricultural censuses have been conducted. The most recent agricultural census conducted in 2002 indicates the number of farms in the County has fallen from 739 to 719, which represents a 3% decrease since 1997. The census reflects that acreage in farmland has increased (78,516 in 2002 compared to 76,914 acres in 1997); however, this may be due to improved reporting techniques in the census. Agricultural land is important in the County not only due to the food products produced, but because of its cultural and ecological importance. The long-range benefits of agricultural land include wildlife habitat, flood control, scenic preservation and community character.

Currently over 60 jurisdictions in the state have a voluntary agricultural district ordinance, including the surrounding counties of Burke, Caldwell, Alexander, Iredell and Lincoln. When the authorizing legislation was approved by the State, a model ordinance was developed to assist counties in the preparation of a local ordinance. The model ordinance allows local governments flexibility in some of the criteria to establish agricultural districts, such as the minimum acreage requirements and composition of an Agricultural Advisory Board.

In early 2002, an informal committee of interested farmers and others involved in farming interests in Catawba County was convened to review the State's model ordinance and identify areas to make applicable to the county. The committee met regularly during the year and prepared a draft ordinance. The ordinance was then presented to the Farm Bureau and Cattlemen's Association in the fall of 2002, and both endorsed the program. The draft ordinance was further refined and presented to the Planning Board in 2005, which recommended the ordinance to the Board of Commissioners. The Board of Commissioners voted in June 2005 to not adopt a voluntary agricultural district ordinance due to two main issues of concern: (1) removal of a public hearing provision for condemnation and (2) the applicability of the ordinance in the municipalities' jurisdictions. State legislation approved in September 2005 did not address the condemnation issue; however, it did provide legislative authority for municipalities to adopt a voluntary agricultural district ordinance. The law also created a provision for "enhanced voluntary agricultural districts" which provides additional benefits for landowners willing to sign a 10-year irrevocable conservation agreement as part of the requirements for participation in the program.

On January 28, 2008, County staff attended a Catawba County Farm Bureau meeting to resume discussions regarding a voluntary agricultural district ordinance. At the meeting, farmers indicated their strong support for a program; however, they still had concerns over issues expressed in 2005.

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Staff met with representatives from the Farm Bureau and developed a workable solution to their concerns. With regard to the condemnation issue, staff would inform the proposed Agricultural Advisory Board of any County projects affecting voluntary agricultural district land at the time the project is approved for design by the Board of Commissioners. This will be more advantageous than the condemnation provision since the project can be adjusted in the initial design phase to have a lesser impact on farm land, based on input from the Advisory Board, rather than waiting until a final design and condemnation proceedings are being prepared. With regard to applying the ordinance to the cities' jurisdiction, staff has encouraged the Farm Bureau to reach out to cities to evaluate such an ordinance within their jurisdictions.

The ordinance is a free-standing ordinance and is not part of the County's Zoning or Subdivision Regulations. The ordinance specifies that it applies to the unincorporated sections of the County and does not apply within the corporate limits or extraterritorial jurisdiction of any municipality. The Board of Commissioners will make appointments to the new Agricultural Advisory Board, which will be created to review and approve applications for agricultural districts and advise the Board of Commissioners on matters related to farming, such as the present-use program, alternative farmland preservation measures or agri-tourism opportunities.

Qualifications for a farm to be designated in a district include: a minimum of 5 acres for horticultural land, 10 acres for agricultural land, or 20 acres of forestland for individual tracts or combined acreage equal to the minimum thresholds when two tracts of land or more are located within one mile of each other; participation in or qualification for the farm present-use value taxation program; management in accordance with NRCS defined erosion-control practices if highly-erodible soils exist; and the farm must be the subject of a conservation agreement which prohibits non-farm uses for 10 years. Under this agreement, the farmer is allowed to create up to 3 new lots which meet the County's zoning and subdivision regulations. If enrolled in the basic voluntary district program, this agreement can be revoked at the request of the landowner at any time; however, the property will then be removed from the district.

The ordinance has a provision for an enhanced district in compliance with 2005 North Carolina General Statutes which requires that the landowner choose whether to participate in the voluntary district or enhanced district. If a landowner chooses to participate in an enhanced district, the landowner would commit to a 10 year irrevocable conservation agreement in exchange for the following benefits: the farmer may receive up to 25% of gross sales from non-farm products and still be considered exempt from zoning as a "bona fide farm", is eligible to receive a higher percentage of agricultural cost-share funds, and receives priority consideration for farm-related grants. If the landowner applies for an enhanced district, the 10 year conservation agreement is irrevocable. These standards, with exception of the minimum acreage requirement, are based on N.C. General Statutes and cannot be changed.

The administration of the agricultural district ordinance will be coordinated between Cooperative Extension and the County's Planning Department. The program could begin in early 2009. Upon appointment of the Agricultural Advisory Board, that Board will meet to establish its by-laws and work with staff to develop administrative forms and signage. The Board will then announce when it will begin accepting applications for the agricultural districts. Public notice of the location of agricultural districts would be provided in the following ways: the County's Geographic Information System (GIS) will note all properties within ½ mile of a designated district. Signs will be posted along the roadside of farms in a designated district. Maps will be prepared and updated showing locations of designated districts and the maps will be located in offices or agencies which involve real estate transactions or farming-related interests. As subdivision plats are recorded, it will be noted on the plat that the new lots are located within ½ mile of an agricultural district.

The Planning Board conducted a public hearing on the ordinance at its September 29, 2008 meeting. Five persons spoke in support of the proposed ordinance, no one spoke in opposition. The Planning Board voted 8-0 to recommend approval of the ordinance to the Board of Commissioners.

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Chair Barnes opened the public hearing and Mr. Ira Cline and Mr. Clarence Hood of the Farm Bureau came forward to thank the Board and staff for their efforts. No one spoke against the ordinance. Commissioner Hunsucker made a motion to adopt the Voluntary Agricultural District and Enhanced Agricultural District Ordinance and the motion carried unanimously. The Ordinance reads as follows:

ORDINANCE NO. 2008-

BE IT ORDAINED that the Catawba County Code of Ordinances, is hereby amended by adding a new chapter, to be numbered Chapter 4, which said chapter reads as follows:

**CHAPTER 4
AGRICULTURAL DISTRICTS**

ARTICLE 1. IN GENERAL

Sec. 4-1. Title

An ordinance of the Board of County Commissioners of CATAWBA COUNTY, NORTH CAROLINA, entitled, "**VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE.**"

Sec. 4-2. Authority

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C.G.S. Sections 106-735 through 106-744 and Chapter 153A.

Sec. 4-3. Applicability

This ordinance applies only to the unincorporated sections of Catawba County. It does not apply within the corporate boundaries or extraterritorial jurisdiction of any municipality.

Sec. 4-4. Purpose

The purpose of this ordinance is to promote agricultural values and the general welfare of the County, increase identity and pride in the agricultural community and its way of life; support the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms.

Sec. 4-5. Definitions

The following are defined for purposes of this ordinance:

Advisory Board means the Catawba County Agricultural Advisory Board.

Board of Commissioners means the Catawba County Board of Commissioners.

Chairperson means Chairperson of the Catawba County Agricultural Advisory Board.

Conservation Agreement means an agreement as defined in N.C.G.S. §121-35.

District means Voluntary Agricultural District as established by this ordinance.

Enhanced District means Enhanced Voluntary Agricultural District as established by this ordinance.

Farming means engaged in the production of crops, vegetables, fruits, sod, ornamental or flowering plants, dairy, livestock, poultry, timber and other forms of agricultural products having a domestic or foreign market.

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Growth corridor means growth corridors, centers and nodes which are delineated on the County's adopted small area plan maps, which are adopted through a public process by the Board of Commissioners. The adopted small area plan maps are maintained in the County planning office.

Project means water or sewer line infrastructure or other facilities/improvements that may be funded by County government for public benefit.

ARTICLE II AGRICULTURAL ADVISORY BOARD

Sec. 4-6. Creation

The Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this program.

Sec. 4-7. Membership

The Advisory Board shall consist of no less than five but no more than nine members appointed by the Board of Commissioners.

Sec. 4-8. Membership Requirements

(a) Each Advisory Board member shall be a Catawba County resident and landowner in the County's planning jurisdiction.

(b) A majority of the members shall be actively engaged in farming. Non-farming members are eligible provided they have special interest, experience, or education in agriculture and/or rural preservation and do not represent a majority on the Board.

(c) Members shall be selected to generally represent the agricultural districts in the County to the extent feasible.

(d) Individuals recommended as members may be submitted to the Board of Commissioners by the Soil and Water Conservation District Board of Supervisors, the County Office of the North Carolina Cooperative Extension Service, the U.S. Farm Service Agency County Committee, County Farm Bureau, Natural Resources Conservation Service, nonprofit agricultural organizations, conservation organizations, agribusiness, and the public at large.

Sec. 4-9. Tenure

The initial board will consist of at least two appointees for terms of one year and at least two appointees for terms of two years and at least one appointee for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointments permitted at the end of the term, but members may not serve more than three consecutive full terms.

Sec. 4-10. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

Sec. 4-11. Removal

Any member of the Advisory Board may be removed with or without cause by the Board of Commissioners. All members are subject to Catawba County Code section 2-266 regarding absences of board members.

Sec. 4-12. Board Procedures

The initial Advisory Board will establish its rules and procedures through the adoption of official by-laws. The by-laws may be amended by the Advisory Board in accordance with procedures noted in the adopted by-laws. The by-laws and any amendments will be filed with the Board of Commissioners.

Sec. 4-13. Duties

The Advisory Board will meet as necessary to consider the following work items:

- (a) Review and approve applications for qualified farmland in either a district or enhanced district, including modifications to existing districts;
- (b) Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the County that will affect agricultural districts;
- (c) Review and make recommendations concerning proposed amendments to this ordinance;
- (d) Study additional methods of farmland preservation and make recommendations to the Board of Commissioners;
- (e) Perform other agricultural related tasks or duties assigned by the Board of Commissioners; and
- (f) Annually advise the Board of Commissioners and Planning Board on the status, progress, and activities of the County's agricultural district program as noted in Article X.

Sec. 4-14. Administrative

The County will serve the Board for record keeping, correspondence, application procedures under this ordinance, and whatever services the Board needs to complete its duties.

Sec. 4-15. Consultation Authority

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the County Soil & Water Conservation District, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

ARTICLE III. CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS

Sec. 4-16. Implementation

In order to implement the purposes stated in Article I, this program provides for the creation of voluntary or enhanced agricultural districts which meet the following standards:

- (a) The district or enhanced district shall contain a minimum of five (5) contiguous acres of horticultural land, ten (10) contiguous acres agricultural land or twenty (20) contiguous acres of forestland; or
- (b) The district or enhanced district shall contain two or more qualified farms which contain a minimum of five (5) total acres of horticultural land, ten (10) total acres agricultural land or twenty (20) total acres of forestland which are located within one mile of each other.

Sec. 4-17. Education/Project Notification

(a) The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the districts and enhanced districts and to further the board's purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program

(b) When the County has a project which may go through a district or enhanced district, the Advisory Board will be notified of the project, and may meet to discuss the matter and provide information to the Board of Commissioners.

Sec. 4-18. Withdrawal

In the event that one or more participants in the district or enhanced district withdraw and the acreage in the district or enhanced district becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a district or enhanced district will continue to exist so long as there is one qualifying farm.

ARTICLE IV. CERTIFICATION AND QUALIFICATION OF FARMLAND

Sec. 4-19. Requirements

To secure County certification as qualifying farmland in either a voluntary agricultural district or an enhanced voluntary agricultural district, a farm must:

(a) Be participating in, or otherwise qualify for, the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7; and

(b) Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service's most recent version of the Field Office Technical Guide defined erosion-control practices that are implemented on highly-erodible land; and

(c) Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County zoning and subdivision regulations.

ARTICLE V. APPLICATION, APPROVAL, AND APPEAL PROCEDURE

Sec. 4-20. Application Procedure

(a) A landowner may apply to participate in either the district or enhanced district program by making application to the County or a designated staff person. The application shall be on forms provided by the County. The application to participate in a district or enhanced district may be filed with the certification for qualifying farmland.

(b) A conservation agreement suited to district type (district or enhanced district) to sustain, encourage, and promote agriculture must be executed by the landowner. A conservation agreement for an enhanced district shall be recorded with the Catawba County Register of Deeds.

Sec. 4-21. Approval Process

(a) Upon receipt of a complete application, the County shall forward copies immediately to the following offices which must provide comments to the Advisory Board within thirty (30) days of receipt:

- (1) The Catawba County Tax Assessor;
 - (2) The Catawba County Soil and Water Conservation District office; and
 - (3) The Natural Resources Conservation Service.
- (b) Upon submission of a complete application to the County, the Advisory Board shall meet within sixty (60) days, or as soon thereafter as possible, to approve or disapprove the application. The County shall notify the applicant by first class mail of approval or disapproval of participation in the district. If the application is disapproved, the reasons for disapproval shall be noted in the notification letter.

Sec. 4-22. Appeal

If an application is denied by the Advisory Board, the petitioner shall have thirty (30) days to appeal the decision to the Board of Commissioners. Such appeal shall be made in writing and delivered to the County Clerk for a final decision by the Board of Commissioners.

ARTICLE VI. REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION AGREEMENTS

Sec. 4-23. Revocation and Enforcement.

(a) District. Conservation agreements for land within districts shall be enforced for a period of ten years unless revoked by the landowner or the County. By providing sixty (60) days written notice to the Advisory Board and the County, a landowner of qualifying farmland within a district may revoke the conservation agreement or the Advisory Board may make a recommendation to the Board of Commissioners to revoke the same conservation agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article V for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any conservation agreements prior to its expiration.

(b) Enhanced District. Conservation agreements for land within enhanced districts are irrevocable for a period of ten years. Enforcement of the terms of the conservation agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County may also terminate benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board recommends to the Board of Commissioners to revoke the conservation agreement for cause, the landowner shall have the appeal rights set forth in Article V. The right to terminate program benefits is in addition to any legal rights that the County may have under either this ordinance or the terms of the applicable conservation agreement.

Sec. 4-24. Renewal.

(a) District. A conservation agreement for land within a district shall be automatically renewed after the initial ten-year period unless the landowner provides sixty (60) day written notice to the Advisory Board of intent not to renew prior to the termination date of the conservation agreement. The termination date is determined to be the prescribed number of years noted in this section from the date of approval of the district by the Advisory Board. Absent noncompliance by the landowner, the Advisory Board shall make a recommendation to the Board of Commissioners to renew any conservation agreement unless this ordinance or its authorizing legislation has been repealed.

(b) Enhanced District. A conservation agreement for the enhanced district shall be deemed automatically renewed for an additional term of three years unless either the Advisory Board or the landowner gives sixty (60) day written notice to the contrary prior to the termination date of the conservation agreement. At the end of each three-year term, the conservation

agreement shall automatically renew for an additional three-year term unless notice of termination is given. The termination date is determined to be the prescribed number of years noted in this section from the date of recordation of the conservation agreement.

ARTICLE VII. ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS

Sec. 4-25. Enhanced District Benefits.

Land enrolled in the enhanced district program is entitled to all the benefits available under the district program and to the following additional benefits:

(a) **Sale of Non-farm Products.** Landowners participating in the enhanced district may receive up to 25% of gross sales from the sale of non-farm products on an annual basis and still qualify as a bona fide farm that is exempt from County zoning regulations as established under N.C.G.S. §153A-340(b). For purposes of N.C.G.S. §153A-340(b), the production of any nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm that is subject to a conservation agreement under N.C.G.S. §106-743.2 is considered a bona fide farm. A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed 25% of its gross sales.

(b) **Agricultural Cost Share Program.** Landowners participating in the enhanced district are eligible under N.C.G.S. §143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agricultural cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes.

(c) **Priority Consideration.** State departments, institutions or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in enhanced districts.

ARTICLE VIII. PUBLIC NOTICE

Sec. 4-26. Public Notice of Proximity to Voluntary and Enhanced Agricultural Districts

(a) **Land Records System.** Farms approved as agricultural districts shall be shown in the County's Geographic Information System (GIS).

(b) **Signage.** Signs, the design of which has been approved in advance by the Advisory Board, may be placed along the rights-of-way of major roads that pass through or next to approved agricultural districts. At least one sign, not to exceed eight square feet in size with either a green or brown background, will be posted along the roads, the location of which is deemed appropriate by the Advisory Board or its administrative agent for the County's agricultural district program.

(c) **Notification.** Maps depicting approved agricultural districts shall be posted in the following agencies or offices:

- (1) Register of Deeds; and
- (2) Natural Resources Conservation Service; and
- (3) North Carolina Cooperative Extension Service; and
- (4) Planning & Development Department; and
- (5) Tax Office; and
- (6) Soil and Water Conservation District; and

(7) Any other such agency or office the Advisory Board deems appropriate.

(d) Posting of Notice. The following notice, printed on a minimum 8½ inch x 11 inch paper, shall be posted in the office of the Register of Deeds.

"NOTICE TO REAL ESTATE PURCHASERS IN CATAWBA COUNTY – AGRICULTURAL DISTRICTS "

Catawba County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been mapped by the County to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, tree harvesting, sawing, and other common farming activities may occur in these districts any time during the day or night. Information on the location and establishment of these districts can be obtained from the North Carolina Cooperative Extension Service – Catawba County office, the office of the Register of Deeds, the County Tax office, the County Planning office, the County Soil & Water Conservation District or the Natural Resources Conservation Service office."

(e) Subdivision Plat. Developers of all new subdivision lots or planned unit developments outside the cities' planning jurisdictions, including the extraterritorial jurisdictions, which are created after the effective date of this ordinance shall designate on the preliminary and final development plats, the existence of all approved districts within one-half aerial mile of the proposed development.

Sec. 4-27. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance for any action made in good faith in connection with the duties or obligations imposed by this ordinance.

Sec. 4-28. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm, district or enhanced district as defined in this ordinance, unless otherwise dictated by law.

ARTICLE IX. COUNTY LAND-USE PLANNING

Sec. 4-29. Growth Corridor

Existing farm operations located within a designated growth corridor at the time of the adoption of this ordinance that meet the district criteria for inclusion into an agricultural district are eligible to apply for a district or enhanced district to be approved by the Advisory Board so long as the farming operation has not ceased for a period of 180 days or more.

Start-up farm operations located within a designated growth corridor that are not already in an established district or enhanced district, may only be added to a district or enhanced district upon approval by the Board of Commissioners, after an application is first presented to the Advisory Board who shall make a recommendation to the Board of Commissioners.

ARTICLE X. NORTH CAROLINA AGENCY NOTIFICATION

Sec. 4-30. Notice

A copy of this adopted ordinance, and any subsequent amendments, shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services. The Advisory Board shall

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submit an annual written report for the preceding calendar year by March 1 to the Board of Commissioners, Planning Board and the Commissioner of Agriculture and Consumer Services on the County's agricultural district program, which should include the following information:

- (a) Number of landowners enrolled;
- (b) Number of acres enrolled;
- (c) Number of acres certified during the reporting period;
- (d) Number of acres denied during the reporting period;
- (e) Changes occurring over the past year;
- (f) Copies of any amendments to the ordinance; and
- (g) Any other information the Advisory Board deems useful.

ARTICLE XI. LEGAL PROVISIONS

Sec. 4-31. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 4-32. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Catawba County, the most restrictive ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

Adopted this the ____ day of _____, 2008.

d. Jacky Eubanks, Planning, Parks and Development Director, came forward and requested the Board to conduct a public hearing and approve a set of amendments to the County's Unified Development Ordinance (UDO). When the UDO was adopted on February 5, 2007, staff indicated it would reevaluate those standards which justified modifications, after practical application over the course of approximately one year. The revisions to the UDO are based on staff recommendations, comments received from the Southeastern Area Chamber of Commerce, the Land Use Development Committee, developers and citizens. The recommendations would remove several ambiguous terms and standards, provide clarity, afford more flexibility and options to the developer, streamline the review and approval process and allow alternative landscaping design based on environmental concerns. Amendments involve several subsections: Development Standards, Signs, Mixed Use Corridor, the 321-Economic Development District/Economic Development Overlay, Special Purpose Regulations and Miscellaneous. The recommendations include a statement of current regulations, followed by recommendations and a rationale statement. The Planning Board conducted a public hearing on September 29, 2008 regarding these amendments to the UDO. No one spoke at the hearing.

After Mr. Eubanks presented the proposed amendments, Chair Barnes opened the public hearing. No one spoke for or against the proposed changes at the Board of Commissioners public hearing and the hearing was closed.

After discussion by Board members, an amendment regarding hobby farms was removed completely and an amendment regarding breweries and wineries was revised to remove any cap on

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the square foot cumulative maximum. Commissioner Hunsucker made a motion to approve the proposed amendments and the motion carried unanimously. The approved amendments are as follows:

Unified Development Ordinance (UDO)
Miscellaneous Amendments
October 20 2008

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ARTICLE V. GENERAL DEVELOPMENT STANDARDS.

Item # 1.

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Sec. 44-404(f). Dimensional regulations.

(f) *Frontage and lot width.*

(3) *Diminishing lot width.* ~~In no case shall the lot Lot~~ width shall not be less than 45 feet for any part of its width. The planning director may waive this requirement based on topography, original lot configuration, utility easements or rights-of-way and other natural features.

(4) Lot width to depth ratio.

a. Depth of residential major and minor development lots cannot exceed 5 times the width, except for lots with attached dwellings or when portions in excess of that depth are for the purpose of providing separation from major streets or railroads, rights-of-ways, easements, wetlands, water areas ~~or~~, protective strips, original lot configuration or severe topography.

b. The width-depth ratio does not apply when:

1. The width of a lot exceeds 300 feet;
2. The lot is for nonresidential purposes;
3. Creating a family subdivision.

Table 44-404-1. Dimensional standards.

	Density (maximum dwelling units per acre)	Floor Area Ratio (maximum)	Lot Size (minimum, square feet)	Lot Width (minimum, feet)	Front Setback (minimum, feet)	Side Setback (minimum, feet)	Rear Setback (minimum, feet)	Height (maximum, feet) (a)	Gross leasable area (GLA) max. per development, square, feet
Rural Conservation (RCon)	0.2	-	217,800 (5 acres)	250	100	30	50	35	-
Residential (R-80)	0.5	-	Single family-80,000 Duplex – 120,000	150 ⁽⁴⁾	30	15	30	35	-
Residential (R-40)	1.0	-	Single family– 40,000 Duplex– 60,000	100 ⁽⁴⁾	30 ⁽¹⁾ 80 ⁽²⁾	15	30	35	-
Residential (R-30)	1.5	-	Single family – 30,000 Duplex –45,000	75	30	15	30	35	-
Residential (R-20)	2.0	-	Single family – 20,000 or 15,000 with public water and/or sewer	75	30	15	30	35	-

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			Duplex – 30,000 or 22,500 w/ public water and/or sewer						
Residential (R-15)	3.0	-	Single family - 15,000 Duplex – 22,500	75	30	15	30	35	-
Residential (R-12)	3.6	-	Single family – 12,000 Duplex –18,000	75	20	10	20	35	-
Residential (R-10)	4.4		Single family – 10,000 Duplex –15,000	60	20	10	20	35	
Residential (R-7)	6.2		Single family - 7,000 Duplex –10,500	60	20	10	20	35	
Office- Institutional (O-I)		1:5	20,000	100	30	20	30	35	-
Rural Commercial (RC)		1:5	20,000	100	30	20	30	35	15,000
Highway Commercial (HC)		1:3	40,000	150	35	20	35	50	50,000
Light Industrial (LI)		1:3	40,000	100	30	25	35	50	-
General Industrial (GI)		1:2.5	60,000	150	40	25	35	50	-

Notes:

(1) Applies to the lot line or lot edge that abuts an internal subdivision road.

(2) Applies to the lot line or lot edge that abuts an existing external road(s).

a. For existing lots of record which are vacant prior to the effective date of the UDO (February 6, 2007), the 80-foot setback requirement must be met if land area is available that can accommodate the house, septic system and well. If the required setback cannot be achieved, then the average setback of the surrounding housing units should be utilized in order to obtain uniformity; however, in no case can the minimum yard setback be less than 30 feet. Appeals to the setback requirement can be made to the Board of Adjustment in accordance with Sec. 44-202.

b. For existing lots of record which have a permitted residence, accessory structures must meet a 30-foot front setback.

In lieu of the 80-foot setback for new lots created after the effective date of the UDO (February 6, 2007) one of the following must be provided:

a. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide berm with accompanying landscaping along all existing external road frontage; or

b. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide landscaped strip containing a solid landscaped screen along all existing external road frontage. The landscaped strip would contain a combination of trees, shrubs and ground cover (grass, mulch, etc.), either in a straight line or off-set, to cover a 30 foot wide area.

(3) Churches/synagogues and places of worship, that apply for and qualify for tax exempt status with the County, may have a maximum height of 70 feet. In addition, steeples and belfries, which project above the total height of the structure, are allowed to have additional height, equal to that of the worship structure.

(4) Lots on the turning circles of cul-de-sacs may have a minimum 75 feet of lot width.

Item # 2

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Sec. 44-428(d). Catawba River Corridor (CRC-O).

(d) *Minimum lot size requirement.* The minimum lot size in the Catawba River Corridor Overlay District shall be 40,000 square feet (R-40) on Lake Hickory, Lookout Shoals and the Catawba River mainstem and 30,000 square feet (R-30) on Lake Norman. Cluster developments are encouraged, ~~and but in no case shall an individual lot size be less than 30,000 square feet. Cluster subdivisions are~~ subject to the regulations in Sec. 44-544.

Item # 3

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Development Standards—Sidewalks

Sec. 44-430 Mixed Use Corridor Overlay (MUC-O)

Sec. 44-430.10. Streetscape landscaping.

(a) *Existing road buffer and interior street landscaping.* All public interior streets and development fronting along corridor roads must provide the following along all street frontages:

- (1) A 3 to 5-foot landscape strip between the curb and sidewalk, subject to NCDOT approval.
- (2) A minimum 5-foot wide sidewalk on both sides of street for mixed-use development, subject to Sec. 44-518 and NCDOT approval.
- (3) A 10-foot (minimum) landscape strip behind the right-of-way (within the front setback).

Sec. 44-445 Village Center (VC)

Sec. 44-445.03(e). Standards pertaining to a village as a whole.

(7) *Sidewalks.* Within the storefront, central residential and village residential areas sidewalks must be provided on both sides of commercial and residential streets, subject to Sec. 44-518. In the managed greenway area, as dictated in 44-445.14, sidewalks must be provided to the greenway area. All sidewalks must be a minimum of 5 feet wide.

Article V General Development Standards

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Sec. 44-518. Sidewalks.

(a) Nonresidential requirements.

(1) Sidewalks, ~~with a minimum width of 5 feet, or a fee in-lieu, subject to subsection (c) below,~~ are required of new developments that are located within commercial, industrial or office and institutional zoning districts, and have frontage on major thoroughfares in urban areas as depicted in the urban area transportation plan, and major collector or higher classification in rural areas as depicted in the County thoroughfare plan. Sidewalks must run the entire length of the property along the right-of-way, and be a minimum width of 5 feet.

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(2) Sidewalks/pedestrian facilities, or a fee in-lieu, are required for special district developments, subject to subsection (a)(1) above, and developments in the MUC-O overlay district, as required in Sec. 44-430, and overlay districts as follows:

a. MUC-O in Sec. 44-430.10;

b. PD in Sec. 44-443.03;

c. PD-IP in Sec. 44-444(j);

d. 321-ED in 44-446.11(d); and

e. Village in Sec. 44-445.03(e)(7).

(3) When subsection (1) above applies, sidewalks with a minimum width of 5 feet, are required along the front of commercial buildings adjacent to foundation plantings as required in Sec. 44-523(g).

(4) All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

(5) All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

(b) Residential requirements.

(1) Sidewalks or hard surfaced pedestrian walkways, with a minimum width of 5 feet, are required along one side of the street for all new residential developments when 25 or more lots are proposed within ~~a district which allows lots ½-acre or less in size.~~ the R-20 or higher density districts.

a. The number of lots are cumulatively counted for the entire development as approved from the date of adoption of this Chapter (February 6, 2007).

b. Cul-de-sac roads less than 500 feet in length, without intersecting roads, are exempt from the sidewalk requirement.

(2) Sidewalks are also required along the frontage of new residential developments on major thoroughfares in urban areas and major collector or higher classification in rural areas as depicted in the adopted transportation/thoroughfare plans.

(3) The improved secondary open space requirement in Sec. 44-543(d) may be used to meet the sidewalk requirement.

(4) All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.

(5) All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.

(6) A fee in-lieu may be approved, subject to Subsection (c) below.

(c) The County will determine whether sidewalks are required or a fee in-lieu will be accepted. The County will consider the thoroughfare/transportation plan(s), connectivity, surrounding land uses and other factors, such as surrounding development patterns, anticipated or current pedestrian usage, etc. in determining whether to accept a fee in-lieu or require sidewalk installation. The fee in-lieu will be equivalent to the cost of sidewalk installation and backfill, for materials and labor, as quoted by a licensed contractor. These funds may be used for installation of sidewalks or bike paths, based on the transportation plan(s) and trails designated in the County Master Parks and Recreation Plan. The fee in-lieu is a one-time payment that is collected at the time of final approval which runs with the land and is not subject to an additional assessment at a future time.

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Item # 4.

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Sec. 44-443. Planned development (PD).

Sec. 44-443.01. Applicability.

The PD district is required when one or more of the following factors are proposed:

- (a) The aggregate square footage of the non-residential building(s) on a single zoning lot is more than 50,000 square feet gross leasable area regardless of the number of uses within the building or structures planned;
- (b) Multi-family attached units (apartments, condominiums, townhouses, 2 or more duplex buildings on the same lot, etc.) for rent or sale;
- (c) 3 or more duplex buildings on separate adjoining lots, planned cumulatively as of the adoption of this Chapter (see Sec. 44-614 for design criteria); or
- (d) A mix of housing types on a single zoning lot. An example of a mix of housing types would include the combination of single-family dwellings with duplex ~~or multi-family~~ or zero lot line developments. This does not include a lot with an accessory dwelling unit or temporary manufactured home.
- (e) A single-family residential subdivision consisting of 200 or more lots planned cumulatively as of the adoption of this Chapter. Subdivisions of less than 200 lots may choose to apply for a PD district at the developer's option.

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Sec. 44-443.06. Maximum permitted floor area ratio.

The maximum permitted ~~floor~~ Floor area ~~Area ratio~~ Ratio (FAR) for a ~~non-residential~~ planned development district is 1:2. In addition, all FAR requirements of Sec. 44-434. Watershed Protection District (WP-O) must be met. ~~For calculation purposes, single family developments must follow the size requirements of Sec. 44-443.18.~~

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Sec. 44-443.14. Setbacks required adjacent to residential or non-residential districts.

(a) ~~Where a non-residential planned development district adjoins a residential district without an intervening street or alley, a setback at least 50 feet in width must be provided along such joint boundary.~~

(a) Where a residential planned development district adjoins a residential district without an intervening street or alley, a setback at least 50 feet in width must be provided along such joint boundary. ~~Where a PD district for residential uses adjoins a single-family district without intervening permanent open space at least 30 feet in width, the portion of the perimeter of the PD so adjoining must be planned and developed only for uses permitted in the adjoining residential district and in accordance with all other requirements for such district. No intensive recreational use or off-street parking is permitted within 25 feet of the district boundary in such circumstances.~~

(b) Where a planned development district adjoins a non-residential district, a 35 foot perimeter setback must be provided.

Sec. 44-443.18. Subdividing in planned developments.

Individual lots can be established within a planned development, in residential or nonresidential districts, after a detailed site plan has been approved. Lots are not subject to lot area and internal setback requirements, however all floor area requirements of Sec. 44-434 Watershed Protection District (WP-O) must be met. ~~Perimeter setback requirements of Sec. 44-443.14 must be met. The procedures in Article III, Division 4 for subdividing the planned development shall be followed. The individual lot dimensions within a PD are as follows:~~

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(a) Minimum lot size: 10,000 square feet

(b) Minimum lot width: 50 feet

(c) Individual lot setbacks:

(1) ~~Front: 30 feet~~

~~(2) Side: 20 feet~~

(3) ~~Rear: 30 feet~~

DEFINITIONS

Dwelling, multi-family - A structure containing 3 or more dwelling units, including units that are located one over the other, patio homes, apartments, condominiums or townhouses.

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Item # 5

Sec. 44-444. Planned Development – Industrial Parks (PD-IP).

(e) *Maximum floor area ratio.* Maximum floor area ratio permitted in any PD-IP district is 1:3.

(f) *Height limitations.* The maximum height of buildings ~~shall be 50 feet. Structures of greater height may be permitted if, for every foot of height or portion above 50 feet, the structures must be set back one foot more than the minimum setback specified will be considered as part of the PD approval process.~~

(k) *Development boundary setbacks.*

(1) When a PD-IP district abuts a single-family district, the building setbacks from the perimeter of PD-IP district must be a minimum of 50 feet. The setback areas must be landscaped in accordance with Sec. 44-523(f).

(2) When a PD-IP district abuts a commercial district, the building setbacks from the perimeter of the PD-IP district must be a minimum of 35 feet. Such setback areas must be landscaped in accordance with Sec. 44-523(f).

(3) When a PD-IP district abuts a public street, the building setbacks from the street must be a minimum of 35 feet. Street trees shall be planted in accordance with Sec. 44-523(h).

Table 44-404-1. Dimensional standards.

	Density (maximum dwelling units per acre)	Floor Area Ratio (maximum)	Lot Size (minimum, square feet)	Lot Width (minimum, feet)	Front Setback (minimum, feet)	Side Setback (minimum, feet)	Rear Setback (minimum, feet)	Height (maximum, feet) ⁽³⁾	Gross leasable area (GLA) max. per development, square feet
Rural Conservation (RCon)	0.2	-	217,800 (5 acres)	250	100	30	50	35 45	-
Residential (R-80)	0.5	-	Single family-80,000	150	30 ⁽¹⁾ 80 ⁽²⁾	15	30	35 45	-
			Duplex – 120,000						
Residential (R-40)	1.0	-	Single family– 40,000	100	30 ⁽¹⁾ 80 ⁽²⁾	15	30	35 45	-
			Duplex– 60,000						
Residential (R-30)	1.5	-	Single family – 30,000	75	30	15	30	35 45	-
			Duplex –45,000						
Residential (R-20)	2.0	-	Single family – 20,000 or 15,000 with public water and/or sewer	75	30	15	30	35 45	-
			Duplex –30,000 or 22,500 w/ public water and/or sewer						
Residential (R-15)	3.0	-	Single family - 15,000	75	30	15	30	35 45	-
			Duplex – 22,500						
Residential (R-12)	3.6	-	Single family – 12,000	75	20	10	20	35 45	-
			Duplex –18,000						
Residential (R-10)	4.4		Single family – 10,000	60	20	10	20	35 45	
			Duplex –15,000						
Residential (R-7)	6.2		Single family - 7,000	60	20	10	20	35 45	
			Duplex –10,500						
Office-Institutional (O-I)		1:5	20,000	100	30	20	30	35 45	-
Rural Commercial (RC)		1:5	20,000	100	30	20	30	35 45	15,000
Highway Commercial (HC)		1:3	40,000	150	35	20	35	50 70	50,000
Light Industrial (LI)		1:3	40,000	100	30	25	35	50 70	-
General Industrial (GI)		1:2.5	60,000	150	40	25	35	50 70	-

Notes:⁽¹⁾ Applies to the lot line or lot edge that abuts an internal subdivision road.

(2) Applies to the lot line or lot edge that abuts an existing external road(s).

a. For existing lots of record which are vacant prior to the effective date of the UDO (February 6, 2007), the 80-foot setback requirement must be met if land area is available that can accommodate the house, septic system and well. If the required setback cannot be achieved, then the average setback of the surrounding housing units should be utilized in order to obtain uniformity; however, in no case can the minimum yard setback be less than 30 feet. Appeals to the setback requirement can be made to the Board of Adjustment in accordance with Sec. 44-202.

b. For existing lots of record which have a permitted residence, accessory structures must meet a 30-foot front setback.

In lieu of the 80-foot setback for new lots created after the effective date of the UDO (February 6, 2007) one of the following must be provided:

a. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide berm with accompanying landscaping along all existing external road frontage; or

b. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide landscaped strip containing a solid landscaped screen along all existing external road frontage. The landscaped strip would contain a combination of trees, shrubs and ground cover (grass, mulch, etc.), either in a straight line or off-set, to cover a 30 foot wide area.

(3) Churches/synagogues and places of worship, that apply for and qualify for tax exempt status with the County, may have a maximum height of 70 feet. In addition, steeples and belfries, which project above the total height of the structure, are allowed to have additional height, equal to that of the worship structure.

Item # 6

S3ec. 44-430.07 Mixed Use Development

Sec. 44-430.07. Building design standards/site standards.

(b) *Street line preservation.* ~~Where a major or minor thoroughfare is planned to be built or widened and initial roadway design and right-of-way locations have been completed, all building setbacks must be measured from the expanded right-of-way for these improvements. Future roads or road improvements that are shown on the urban area transportation plan or the County's thoroughfare plan must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. Buildings and structures must be located outside the proposed right-of-way or pavement edge of such improvements where these locations are indicated on the urban area transportation plan or the County's thoroughfare plan. Right-of-way reservation is required which does not allow the construction of a parking lot, landscaping/buffering or other structural improvements adjacent to any roads that are designated to be widened in the Urban Area Transportation plan or County Thoroughfare Plan. Right-of-way dedication is required for all Planned Development and/or Conditional District developments fronting along roadways funded for improvements in the current State Transportation Improvement Program (STIP) and must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. The setback would include the required setback plus ½ the estimated right-of-way needed for future road improvements.~~

When right-of-way is dedicated, density bonuses are provided as shown in Sec. 44-502(b) and (c).

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ARTICLE V. GENERAL DEVELOPMENT STANDARDS

Division 2. Site Design

Sec. 44-502. Relationship to thoroughfare and land development plans and density bonuses.

(a) Reservation of right-of-way. Rights-of-way must be reserved along roads which are designated to be widened in the urban area transportation plan or County thoroughfare plan. The reservation area must be void of any improvements such as parking or structures. Right-of-way dedication is not required, however, density bonuses are provided as shown in 44-502(b) and (c) below when right-of-way is dedicated.

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(ab) Dedicated right-of-way. Density bonuses are provided where a development dedicates right-of-way for:

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(1) Future road widening improvements designated in the Urban Area Transportation plan or County Thoroughfare Plan~~urban-area transportation plan or County thoroughfare plan~~ that are not required by NCDOT for road improvements associated with the project; or

(2) New road alignments designated in the urban area transportation plan or County thoroughfare plan.

(bc) Density bonuses. Density bonuses are allowed as follows:

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(1) on-residential.

a. The area allowed for the building in the floor area ratio listed in Table 44-404-1 may be increased by .5. For example, a nonresidential development in the HC district would be allowed a 1:2.5 floor area ratio for the dedication of right-of-way instead of 1:3, resulting in increased floor area allowed.

b. Parking may be reduced at a ratio of 2:1, meaning for every 2 square feet of reserved right-of-way, the parking can be reduced by 1-square foot, as approved by the Planning Director. For example, a 200-foot frontage needing a five-foot wide reserved right-of-way, equals 1,000 square feet of reserved right-of-way, divided by two, equals 500 square feet which is the equivalent of three parking spaces, based on a nine-foot by 19-foot parking space. This parking reduction incentive in exchange for right-of-way reservation applies to developments of any size (from a half acre lot size on up).

(2) Residential. Residential densities can be increased by a factor of 1.10 of what is permitted in Table 44-404-1.

Item # 7.

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Sec. 44-523. Landscaping standards.

(b) *Generally.*

(1) Required landscaping cannot obstruct visibility at intersections as required in Sec. 44-407.

(2) In providing the vegetation required by this Division, the retention of existing significant vegetation is encouraged.

(3) All dead or dying trees, stumps, litter, brush, weeds or other nuisance materials must be removed from the site at the time of occupancy.

(4) All roadway slopes must be landscaped and all cuts and fills must be designed and/or vegetated to be sufficient to prevent erosion.

(5) Developments must utilize existing topography, such as hills, ridges and berms, to screen parking and maintenance areas to the maximum extent possible.

(6) All landscaping and screening which provide buffering and screening must be maintained as depicted on the detailed site plan. All landscaping and screening must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to individual(s), a homeowners association or other responsible entity. Sustainable maintenance systems, such as rain barrels or cisterns, which are architecturally compatible with the structure, are encouraged.

(7) All plant material used must be classified as safe to use in USDA hardiness zone 7 or less, to ensure they can survive an average minimum temperature of 0 degrees Fahrenheit. Drought tolerant plant materials are encouraged.

(8) The *Manual of Woody Landscape Plants*, latest edition, by Michael A. Dirr should be used as reference for the plant material standards.

(c) *Driveway landscaping requirements.*

(1) Paved driveways into parking facilities must be bordered by a landscape strip a minimum of 8 feet in width; or

(32) The landscape strip ~~or planting beds~~ must consist of:

(a) At least 75% evergreens spaced a maximum of 6 feet apart in a minimum single or staggered row; low-growing plant material or

(b) A row of ornamental trees spaced a maximum of 15 feet apart on each side of the driveway. The driveway landscape strip is required to extend 60 feet from the right-of-way or the full length of the driveway, whichever is less. of less than 3 feet at mature height and occupy 75% of the buffer or bed space at maturity. 75% of the plant material must be perennials.

The balance of the landscape strip ~~or planting bed~~ must be covered with turf, a ground cover, such as, annuals or perennial planting beds, ornamental grasses, rock or wood mulch ~~covering~~.

(2) ~~In lieu of the landscape strip bordering the driveway, landscaped planting beds may be installed at both sides of the driveway entrance having an area equal to that of the area of the driveway landscape strip; and~~

(3) Any area where the driveway landscape strip abuts the parcel perimeter buffer, that portion of the driveway landscape strip is not required.

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(d) *Perimeter landscaping requirements for parking facilities.*

(1) Parking facility – rear yard. The perimeter of surface parking lots and the ground level of parking decks must be landscaped by a vegetative strip a minimum of 8 feet in width. ~~if the parking facility is not visible from a street. The landscaping strip must consist of 75% evergreens planted in a single or staggered row a minimum of 6 feet apart. The remaining 25% may consist of ornamental trees or deciduous shrubs. Maximum mature height of shrubs must be less than 3 feet. For parking facilities in the rear yard, allow a staggered single row of vegetation which includes 75% low-growing evergreen shrubs planted 6 feet on center. The remaining 25% of the vegetation may be planted with ornamental trees or low-growing deciduous shrubs. Ornamental trees may be planted intermittently throughout the perimeter landscape strip. The plantings consisting of low-growing evergreen shrubs, with the exception of the ornamental trees, cannot exceed 3 feet in height in order to address safety and visibility issues. Manicured turf, crushed brick, stone, ornamental grasses or ground hugging vines or shrubs are still allowed as ground cover throughout the landscape strip. Where parking facilities are within 35 feet of any side or rear yard parcel perimeter buffer, that part of the parking perimeter landscape strip is not required.~~

- (2) Parking facility – front or side yard. The perimeter of surface parking lots and the ground level of parking decks must be landscaped by a vegetative strip a minimum of 12 feet in width, exclusive of abutting reserved or dedicated right-of-way. If the parking facility is visible from a street, the vegetative strip must be a minimum of 12 feet in width, exclusive of abutting right-of-way. For parking facility perimeters in the front or side yard, allow a staggered double row of vegetation which includes 75% low-growing evergreen shrubs planted 6 feet on center. The remaining 25% of the vegetation may be planted with ornamental trees or low-growing deciduous shrubs. Ornamental trees may be planted intermittently throughout the perimeter landscape strip. The plantings consisting of low-growing evergreen shrubs, with the exception of the ornamental trees, cannot exceed 3 feet in height in order to address safety and visibility issues. Manicured turf, crushed brick, stone, ornamental grasses or ground hugging vines or shrubs are allowed as ground cover throughout the landscape strip. Where parking facilities are within 35 feet of any side or rear yard parcel perimeter buffer, that part of the parking perimeter landscape strip is not required.
- (3) The area must be landscaped using low-growing plant material of less than 3 feet at mature height and occupying 75% of the space at maturity. The majority of plant material must be evergreen. Turf, ground Manicured turf, ground cover, annuals, perennials, ornamental grasses, rock or wood mulch must cover the balance of the area.
- (4) Where the parking facilities abut are within 35 feet of the perimeter buffer abutting the side or rear yard, required parcel perimeter buffer, the parking perimeter landscape strip may be deleted.

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Item # 8

ARTICLE V. DEVELOPMENT STANDARDS

Division 4. Landscape Buffers and Screening

Sec. 44-523. Landscaping standards.

- (f) *Parcel perimeter buffer.*
- (3) *Screening.*
- b. No additional buffering is required if:
1. If the Existing vegetation, located on the subject property, affords the degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding that found in a. above, then no additional buffering is required;
 2. Existing vegetation, located on the adjoining property, affords the degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding that found in a. if the subject property owner acquires a preservation easement from the adjoining property owner. The preservation easement must be recorded at the County Register of Deeds and state that vegetation will be maintained and no structure will be built in the easement.

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Item # 9

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ARTICLE V. DEVELOPMENT STANDARDS

Division 4. Landscape Buffers and Screening

Sec. 44-523. Landscaping standards.

- (g) *Foundation plantings.* The pedestrian entranceway and/or surface parking facilities must be separated from the exterior wall of any principal structure by a landscape buffer. The landscaped buffer strip must be at least 5 feet in width along the building foundation or on the opposite side of the building entrance sidewalk. If the architecture makes this impractical, planter boxes which occupy 40% of the building façade length, or large flower pot type containers spaced a maximum of 20 feet on center along the entire façade may be used as an alternative.

Item # 10

ARTICLE V. GENERAL DEVELOPMENT STANDARDS

Division 4. Landscape Buffers and Screening

Sec. 44-523. Landscaping standards.

- (h) *Street trees.*
- (1) Street trees – multi-family or non-residential. Street trees must be planted in all multi-family or non-residential developments. All public interior streets and development fronting along existing external roads must provide the following along all street frontages:
- A 3 to 5-foot landscape strip between the curb and sidewalk, when sidewalks are required.
 - A 10-foot (minimum) landscape strip behind the right-of-way (within the front setback).
 - Street trees must be planted adjacent to the sidewalk or right-of-way and must meet the following.
 - One-An average of one shade street tree is required for every 400-40 linear feet of road frontage on each side of the street, or where overhead lines are present, street trees of low growing varieties must be planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced approximately equal distance.
 - Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches or a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.
 - In the absence of overhead lines in the planting area, the shade street tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. Mature height should be no less than 20 feet unless overhead utilities are in the planting area.
 - All trees planted within the public right-of-way shall require approval by NCDOT through an encroachment agreement.
 - Street trees, whether planted within or outside of the public right-of-way, must be maintained by the developer, unless or until maintenance responsibilities are transferred or assigned to individual(s), a homeowners association or other responsible entity.
- (2) Street trees – residential. Street trees must be planted in all major subdivision developments along the internal subdivision roads and the frontage of a corner lot on an existing external road, where it intersects with the internal subdivision road. Street trees must be planted adjacent to the sidewalk (when required) or right-of-way and must meet one of the following:
- 2-inch caliper or 15 gallon container street trees must be planted in a staggered pattern for every 50-feet of road street frontage as measured along the street centerline; or
 - Existing vegetation which meet the standards of Subsection a. above

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Sec. 44-430. Mixed-Use Corridor (MUC-O)

Sec. 44-430.10 Streetscape Landscaping

- (4) Street trees must be planted adjacent to the sidewalk and must meet the following.
 - a. An average of one ~~Three~~ ~~shade trees are is~~ required for every 400-40 linear feet of lot frontage on each side of the street, or where overhead lines are present, street trees of low growing varieties must be planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced approximately equal distance.
 - b. Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. The tree must be a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.
 - c. In the absence of overhead lines in the planting area, the shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. ~~Mature height should be no less than 20 feet unless overhead utilities are in the planting area.~~
 - d. All trees planted within the right-of-way shall require approval by NCDOT through an encroachment agreement.

Sec. 44-446. 321-Economic Development District (321-ED)

Sec. 44-446.10 Landscaping, buffering and screening

- (d) *Interior street landscaping.* For multi-tenant, multi-parcel or multi-building developments, shade trees must be planted along both sides of all interior access streets, excluding streets not typically used by the public. Street trees must be planted adjacent to the sidewalk and must meet the following.
 - (1) ~~Three~~ An average of one shade trees ~~are is~~ required for every 400-40 linear feet of lot frontage on each side of the street, or where overhead lines are present, street trees of low growing varieties must be planted an average of one tree for every 30 feet of street frontage on each side of the street. Trees should be spaced approximately equal distance.
 - (2) Each tree, at the time of installation, shall have a clear trunk height of at least 5 feet and a minimum caliper of 2 inches. The tree must be a minimum 15-gallon container size or balled and burlapped at time of planting. An appropriate mulch bed must be provided around the tree.
 - (3) In the absence of overhead lines in the planting area, the A-shade tree should achieve a mature height of over 20 feet and a mature spread of at least 15 feet. ~~Mature height should be no less than 20 feet unless overhead utilities are in the planting area.~~

Miscellaneous:		(4)
Adult uses, per 500 sq. ft.	3.0	
Amusement park, by individual review		
Assembly, place of, per seat	0.3	
Contractor's office, per 1000 sq. ft. GFA	3.5	
Contractor's shop area	0.6	
Circuses, carnivals and fairs, by individual review		
Funeral home or crematorium, per seat of chapel capacity	0.25	

Item # 11

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Table 44-534-1. Required parking spaces.

Item # 12

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ARTICLE V. GENERAL DEVELOPMENT STANDARDS

Division 6. Neighborhood recreation/Open Space

Sec. 44-543. Neighborhood recreation/open space for non-cluster developments.

(a) *Applicability.* The following developments must provide land for parks, sidewalks, trails, greenway, recreational and open space purposes:

- (1) All major residential conventional subdivisions must dedicate land or fee in-lieu of land for open space.
- (2) Mixed-use development that contains residential uses; and
- (3) Multi-family use.
- (b) *Amount of land or fee in-lieu.* ▲

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In determining whether the County will accept a fee in-lieu of, or proposed on-site open space, the County shall consider the parks and open space master plan, the comprehensive or small area plans and other accepted plans and the potential for connectivity with other developments or open space.

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- (1) The amount of land to be provided for neighborhood recreation/open space in conventional subdivisions must be 2500 square feet per dwelling unit, based on the following equation:

Required open space = the number of dwelling units x 2500 square feet per dwelling.

- (2) In lieu of providing open space on-site, a developer may make a one-time payment ~~derived from the assessed tax value for the unimproved land of an equivalent 2500 square feet of open space~~ in the amount of ~~\$1,000~~ per lot. ~~The County will determine whether a fee in-lieu of open space will be accepted. In determining whether the County will accept a fee in-lieu of on-site open~~

~~space, the County shall consider the parks and open space master plan, the comprehensive or small area plans and other accepted plans and the potential for connectivity with other developments or open space.~~ The fee in-lieu is payable to the parks trust fund for development of capital projects associated with the County parks master plan or other accepted plans.

(23) *Open space incentive.* As an incentive to provide additional open space, a conventional subdivision can receive a density bonus for providing additional open space beyond the requirement in Subsection (1) above. For every 100 square feet of open space per lot above the minimum open space requirement (up to a maximum of 3500 square feet) an increase in the number of lots is allowed at a direct proportion ranging from a minimum 1% to a maximum of 10% of the total lots allowed. For example, a 100-lot subdivision proposes a total of 3000 square feet of open space per lot. This represents 500 square feet beyond the 2500 square feet minimum open space requirement. Next, determine the multiplier for each 100 square foot increment of additional open space using the following equation: the open space proposed per lot minus 2500 then divide by 100. In the example, the equation would be: $(3000-2500)/100 = 5$, which also is the percentage multiplier for the lot bonus allowed. Finally, determine the number of bonus lots using the following equation: number of proposed lots x multiplier determined using the last step. In the example, the equation would look like this: 100 lots x 5% = 5 additional lots for a total of 105 lots.

(c) *Characteristics.* Except as otherwise required by the County at the time of preliminary subdivision approval, the neighborhood recreation/open space must meet the following criteria:

(1) *Land characteristics.* Neighborhood recreation/open space must be provided at a minimum proportion of 25% for primary open space and 75% for secondary open space.

a. Primary open space is land ideal for building development. Primary open space also includes land with slopes less than 20%.

b. Secondary open space includes floodplains, area of lakes, ponds, creeks, other water bodies, wetlands falling under the jurisdiction of State or Federal agencies, utility easements, steep slopes and other sensitive areas including woodland areas.

Sidewalk, whether voluntary or required under Sec. 44-518, may be counted as part of the secondary open space requirement, at a ratio of 1:2. For every square foot of sidewalk, 2 square feet of open space is credited toward the secondary open space requirement.

(2) *Shape.* If a sufficient amount of land is dedicated to accommodate future recreational facilities and activities, such as fields, courts or playground equipment, the shape of the dedicated land shall be suitable for such facilities and activities as determined by the planning director. Linear open space must be a minimum of 5 feet in width to accommodate trails and greenways.

(d) *Neighborhood recreation/open space improvements.* Within the secondary open space area, an improved trail system composed of concrete, asphalt, composite materials, wood chips, grass or other appropriate trail materials must be installed. The trail system must comprise a minimum of 25% of the total secondary open space requirement. The sidewalk requirement under Sec. 44-518 may be counted as part of the improved secondary open space requirement.

(e) *Neighborhood recreation/open space dedication and maintenance.* Neighborhood recreation/open space shall be dedicated in accordance with the following:

(1) Subdivision occupants shall be ensured direct access to and use of the subdivision's neighborhood recreation/open space, through the conveyance of the open space to a homeowners' association, ~~or~~ a public agency or nonprofit organization. Such organization must be capable and willing to accept responsibility for maintaining the neighborhood recreation/open space for its intended purpose.

(2) Trails or open spaces which are a designated component of the Parks Master Plan, as being part of a linear trail system, must be dedicated and deeded to the County. Trail maintenance will be performed by the County as part of the Park's Division.

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(23) Each dedicated open space parcel and improvements shall be shown on the final plat recorded in the register of deeds, with a notation of its area.

(34) The owner(s) of the neighborhood recreation/open space, whether it be the homeowners' association, public agency or nonprofit organization, is responsible for maintaining the open space so that it continues to effectively function for its intended use.

Item # 13

ARTICLE V. DEVELOPMENT STANDARDS

Division 6. Neighborhood recreation/Open Space

Sec. 44-544. Open space requirements for cluster subdivisions.

- (f) *Open space use, location and design.*
- (1) Open space must be dedicated or reserved for one or more of the following purposes:
- a. Conservation of and avoidance of development in any identifiable natural hazard areas, including areas that potentially pose a significant hazard to people or property:
 1. Designated floodways and floodway fringes identified in Federal Emergency Management Agency flood insurance studies;
 2. Regulatory wetlands; or
 3. Steep slopes, greater than 20%, and lands whose soils make them particularly susceptible to erosion when disturbed by development activities.
 - b. Conservation and protection of any identified significant natural areas as identified in the County's natural heritage inventory;
 - c. Protection, maintenance and dedication as open space of any identified historic resources or any public or private cemeteries that are part of the subdivision development. An exception would be areas retained by its original owners, such as a family or church owned and maintained cemetery;
 - d. Provision of active and/or passive outdoor recreation opportunities such as, ball fields, playgrounds, tennis courts, swimming pools, basketball courts, golf courses, bikeways, walking trails, nature trails, and picnic areas;
 - e. Retention of productive farmland or forestland for continued agricultural or forestry use;
 - f. Land for pedestrian access, such as sidewalks or trails.

Item # 14

Sec. 44-430. Mixed Use Corridor – MUC-O.

Sec. 44-430.15. Signs.

- (b) *Permitted signs.* The following signs are permitted:
- (4) In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.

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Sec. 44-445. Village Center (VC).

Sec. 44-445.12. Design standards for storefront area.

(d) *Signs.* In addition to the sign requirements in Article V, Division 7, signs must conform to the following regulations:

(10) In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.

Sec. 44-446. 321-Economic Development District (321-ED).

Sec. 44-446.13. Signs.

(c) *Permitted Signs.* The following signs are permitted:

(3) In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.

ARTICLE V. GENERAL DEVELOPMENT STANDARDS

Division 7. Sign Regulations.

Sec. 44-554. Surface area computations.

(a) The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semicircle or other regular geometric figure, including all of the elements of the display, but not including structural framing, display of identification licensing officially required by any government body, area dedicated to public service information, such as time and temperature, or structural elements outside the sign surface and bearing no advertising matter.

(5) The area devoted for signage on the face of a canopy, or awning sign counts toward the percentage of wall signage allowed, with the exception of canopies regulated in Sec. 44-571.

(b) Any blank surface areas of the sign that could be utilized as display area will be included in the surface area computation.

Sec. 44-571-599. Reserved. On-premise canopy signs for fuel pump islands.

In addition to one freestanding sign, one static fascia canopy sign is permitted on sides visible from the public right-of-way. Each canopy sign may have a maximum area equal to 25% of the canopy fascia surface, up to a maximum height of 2 feet.

Sec. 44-571-599 Reserved

Item # 15

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Sec. 44-430. Mixed Use Corridor – MUC-O.

Sec. 44-430.15. Signs.

(b) *Permitted signs.* The following signs are permitted:

- (1) One freestanding sign, having no more than 2 sign surface areas, may be erected. The signs may not exceed ~~100~~50 square feet per side for back-to-back signs and may not be over ~~20~~16 feet in height.
- (2) One wall sign or awning sign is permitted for individual establishments or buildings within the project for each wall exposed to adjoining streets. The sign must be mounted on the building and not extend above its lower roofline. The sign cannot exceed 10% of the area of the specific business wall involved, up to a maximum of ~~30~~50 square feet, whichever is less.
- (3) Signs directing traffic are permitted but cannot exceed 5 square feet per side.

Item # 16

Sec. 44-446. 321-Economic Development District (321-ED).

Sec. 44-446.13. Signs.

(b) *Prohibited signs.* In addition to the signs prohibited in Article V, Division 7, the following signs are prohibited on any land zoned 321-ED:

- (1) Off-premise signs (billboards);
- (2) Portable signs (temporary or permanent);
- (3) Roof signs;
- (4) Rotating multi-panel technology signs;
- (5) Posters, streamers, or similar devices used to attract attention (temporary or permanent);
- (6) Permanent ~~W~~indblown signs (banners, balloons, streamers, etc.) ~~(temporary or permanent);~~ and
- ~~(7) Electronic changeable copy signs and LED except for time and temperature signs not exceeding 15 square feet.~~

(c) *Permitted Signs.* The following signs are permitted:

- ~~(6) Light Emitting Diodes (LED), tri-vision, electronic messages and other similar technologies are allowed. This technology can be utilized subject to the following:~~
 - ~~a. Pulsating or flashing sign structures or messages are prohibited.~~
 - ~~b. LED signs must hold a static message a minimum of 8 seconds.~~
- ~~(7) Light Emitting Diodes (LED), tri-vision, electronic messages and other similar technologies are allowed. This technology can be utilized subject to the following:~~
 - ~~a. Pulsating or flashing sign structures or messages are prohibited.~~
 - ~~b. LED signs must hold a static message a minimum of 8 seconds.~~

Sec. 44-558. Direct illumination.

No source of illumination on a sign, such as floodlights, spotlights, and unshielded bulbs, may shine directly into any public right-of-way or any adjacent residential property. LED lit signs may not be of an intensity that glares or ~~distracts~~ creates a safety concern to travelers along the public right-of-way ~~due to public safety concerns.~~

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ARTICLE V. GENERAL DEVELOPMENT STANDARDS

Division 7. Sign Regulations

Sec. 44-562. On-Premise signs (freestanding)

(f) Light Emitting Diodes (LED), tri-vision, ~~electronic scrolling, and~~ electronic messages and other similar technologies are ~~only allowed in a general or conditional district planned development in all nonresidential districts, with the exception of the village district, where the architectural design is consistent with the proposed technology.~~ This technology can be utilized subject to the following:

~~(1) The sign is set back 50 feet from the right-of-way. Time and temperature signs are exempt from the 50-foot setback requirement.~~

(21) Pulsating or flashing sign structures or messages are prohibited.

(32) LED signs must hold a static message a minimum of 8 seconds.

Sec. 44-563. On-premise wall signs.

(d) Light Emitting Diodes (LED), tri-vision, ~~electronic scrolling, and~~ electronic messages and other similar technologies are ~~only allowed in all nonresidential districts, with the exception of the village district in a general or conditional district planned development where the architectural design is consistent with the proposed technology.~~ This technology can be utilized subject to the following:

~~(1) The sign is set back 50 feet from the right-of-way. Time and temperature signs are exempt from the 50-foot setback requirement.~~

(21) Pulsating or flashing sign structures or messages are prohibited.

(32) LED signs must hold a static message a minimum of 8 seconds.

Item # 17.

Sec. 44-561. Temporary signs.

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a zoning authorization permit.

(a) *Real estate signs.*

(1) For lots less than one acre, a single sign on each street frontage may be erected. The sign cannot exceed 6 square feet in area; shall ~~observe a front setback of 10 feet~~ be located outside the right-of-way; shall contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. The sign must be removed immediately upon the sale or lease of the property.

(2) For lots of one acre or more in area, such signs may be up to 20 square feet in area, and be located outside of the right-of-way.

(3) Real estate "pointer" signs are allowed for a period not to exceed 3 days, which give direction to open houses and special marketing promotions.

(b) *Construction site signs.* A construction site identification sign may be displayed that may contain identification of the project and its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. The sign cannot exceed 32 square feet in area and must be located at least 10 feet from the front property line outside of the right-of-way. The sign can only be displayed for the duration of the project.

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Item # 18

ARTICLE V. DEVELOPMENT STANDARDS

Division 7. Sign Regulations

Sec. 44-563. On-premise wall signs.

(a) ~~One-wall~~Wall signage is permitted on each wall with street frontage ~~side~~ of a nonresidential building in addition to one freestanding sign.

~~(b) If the building fronts along 2 streets, one wall Wall signage is permitted on each wall with street frontage.~~

~~(eb)~~ ~~Each Total~~ wall sign~~age on each street frontage~~ may have a maximum area equal to 10% of the wall surface ~~or~~ up to a maximum total of ~~32-75~~ square feet in area, ~~whichever is less~~.

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Item # 19

Sec. 44-564. Off-premise signs - billboards.

(b) The maximum permitted area shall be 380 square feet per face for signs abutting I-40 and Highway 16, including both old and new sections north, and 250 square feet per face for all other signs.

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Item # 20

Sec. 44-430.05. Uses.

(a) Uses allowed in the MUC-O District are those that would typically occupy smaller scale commercial/retail/office type uses where the general public would utilize specific goods and services.

(b) The uses allowed in the RC, HC, and O-I districts as shown in Table 44-403-1 - Use Matrix are permitted in the MUC-O District, with the exception of Subsection (c) below. In addition, multi-family development is permitted to the extent that it is a portion of a mixed-use project and does not comprise more than 50% of the gross square footage of the overall development. A family subdivision, as defined in this Chapter, is allowed provided that no more than 2 driveway cuts and/or rights-of-ways are created which connect to the corridor road. Where the tract of land has 1000 feet or more of corridor road frontage, a family subdivision will be allowed with up to 3 driveway cuts and/or rights of way connecting to the corridor road.

(c) The following uses are prohibited in the MUC-O District (excluding land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2)). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category.

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Table 44-430.05-1a. Prohibited principal uses in MUC-O District.

The following list of prohibited principal uses are applicable to the MUC-O district with exception of the land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category.

Amusement park/arcade (outdoor)	Farm supplies	Nightclub
Armory	Firing/shooting range (indoor)	Open storage
	Flea market (indoor)	Par-three golf
Auto storage or salvage yards	Golf driving range	Pawnshop
Auto, truck, boat, recreation vehicle and motorcycle sales or rentals	Greenhouse, commercial	Radio and television studio
Batting cage (outdoor)	Industrial supplies and equipment	Rental of heavy equipment
Billiard or Pool hall	Lawn and garden	Roadside stand, commercial
Boardinghouse, rooming house	Lumber and building materials sales	Sanitarium and mental institution
Bus terminal	Manufactured/modular home sales	Subdivision of land for non-family, single-family residential uses
Campgrounds	Manufacturer's showroom	Telecommunication facilities, wireless
Carwash (free standing)	Miniature golf (outdoor)	Television and/or radio tower facilities
Cemetery, human public	Mini-warehouse	Warehouse
Cemetery, pet	Monument sales	Wholesale distribution
Circus, carnival and fair (permanent)	Motor vehicle repair, major	Wood waste grinding operations (industrial)
Dragstrips or racetracks	Motor vehicle repair, minor	Zoo
Dry storage facilities	Movie theater (drive-in)	
Rental of light equipment and supplies	Municipal garage	

Table 44-430.05-1b. Permitted principal uses in MUC-O with supplemental regulations.

(d) The following uses are permitted with supplemental standards as shown in Subsections (1) through (5) below.

Auto, truck, boat, recreation vehicle and motorcycle sales or rentals	Golf driving range	Nightclub
Billiard or pool hall	Mini-warehouse	Par-three golf
Carwash (free standing)	Motor vehicle repair, major	Rental of light equipment and supplies
Dry storage facilities	Motor vehicle repair, minor	

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(1) Auto, truck, boat, recreation vehicle and motorcycle sales or rentals, motor vehicle repair (major and minor) or dry storage facilities.

a. All display/inventory must be located in an enclosed building, utilizing window display; or

b. All frontages of the site must be screened with ornamental fencing, a minimum of 6 feet high, bracketed by stone or brick columns, with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office, when the office abuts the setback or the fencing line; and

c. Landscaping requirements of Article V must be met. In addition, landscaping must be installed along the entire frontages to achieve 50% opacity within 2 to 3 years, at a 6-foot height, both in plan (aerial) view and elevation (street level) view;

1. Plant species must be a minimum of 75% evergreen; and

2. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or

3. A maintained, earthen-mound or berm may be installed with vegetation, to achieve 50% opacity from the top of the berm, to the height of 6 feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75% evergreen and a minimum 3-gallon in size and 2 feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

d. No stacking of items or materials outdoors is permitted;

e. All display, inventory, structures, parking areas, and other improvements must be setback a minimum 50 feet from the right-of-way;

f. Vehicle service entrances must be rear entry, or in the rear or side yard for a corner lot on the lower classified street; and

g. Dry storage facilities must meet the requirements of Sec. 44-618 and cannot have open sides or bays visible from any rights-of way. All storage must be within the facility.

(2) Golf driving range, par-three golf.

a. Fairways and driving ranges and nets must be setback a minimum of 150 feet from the rights-of way.

b. All frontages of the site must be screened with ornamental fencing, a minimum of 6 feet high, bracketed by stone or brick columns, with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office, when the office abuts the setback or the fencing line; and

c. Landscaping requirements of Article V must be met. In addition, landscaping must be installed on frontages to achieve 50% opacity within 2 to 3 years, at a 6-foot height, both in plan (aerial) view and elevation (street level) view;

1. Plant species must be a minimum of 75% evergreen; and

2. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or

3. A maintained, earthen-mound or berm may be installed with vegetation, to achieve 50% opacity from the top of the berm, to the height of 6 feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75% evergreen and a minimum 3-gallon in size and 2 feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

(3) Carwash (free standing).

a. All frontages of the site must be screened with ornamental fencing, a minimum of 6 feet high, bracketed by stone or brick columns, with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office, when the office abuts the setback or the fencing line; and

b. Landscaping requirements of Article V must be met. In addition, landscaping must be installed on frontages to achieve 50% opacity within 2 to 3 years, at a 6-foot height, both in plan (aerial) view and elevation (street level) view;

1. Plant species must be a minimum of 75% evergreen; and

2. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or

3. A maintained, earthen-mound or berm may be installed with vegetation, to achieve 50% opacity from the top of the berm, to the height of 6 feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75% evergreen and a minimum 3-gallon in size

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and 2 feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

(4) Mini-warehouse.

a. All supplemental standards of Sec. 44-619 must be met;

b. All frontages of the site must be screened with ornamental fencing, a minimum of 6 feet high, bracketed by stone or brick columns, with a maximum separation of 18 feet apart. The fence cannot be located in the front setback. Fencing is not required in front of the office, when the office abuts the setback or the fencing line; and

c. Landscaping requirements of Article V must be met. In addition, landscaping must be installed on frontages to achieve 50% opacity within 2 to 3 years, at a 6-foot height, both in plan (aerial) view) and elevation (street level) view;

1. Plant species must be a minimum of 75% evergreen; and

2. A mixture of species and a variety of shapes and forms must be utilized throughout the frontage landscaping; or

3. A maintained, earthen-mound or berm may be installed with vegetation, to achieve 50% opacity from the top of the berm, to the height of 6 feet, both in plan (aerial) view and elevation (street level) view. Plants must be a minimum of 75% evergreen and a minimum 3-gallon in size and 2 feet in height at the time of planting. The berm must have a minimum base width of 12 feet. This mound or berm cannot impound storm water runoff or direct runoff to adjacent properties.

(5) Billiard or pool hall, nightclub.

Neon or florescent colored signs cannot be displayed on the exterior of the building, in windows or doors visible from the rights-of way.

Item # 21.

Sec. 44-430. Mixed-Use Corridor (MUC-O)

Sec. 44-430.07. Building design standards/site standards.

(c) *Type of construction.* The following standards must be met for building construction in the MUC-O.

(1) *Building front.* ~~Ribbed paneling consisting of vinyl or metal material, or unpainted Unpainted~~ cinder blocks are prohibited as the building material for the front of a building facing a public right-of-way. Metal and vinyl, of a non-ribbed panel design, may be used as accent materials, as part of the façade face comprising no more than 25%. For the purposes of this Subsection, buildings located on corner lots are only considered to have one front.

(2) *Façade(s) visible from a publically dedicated or private right-of-way.* ~~Building façade(s) consisting of ribbed vinyl or metal material, or unpainted Unpainted~~ cinder blocks are prohibited as the building material along the portion(s) of the building which are visible from private or public rights-of-way. ~~Unpainted~~ Metal and vinyl, of a non-ribbed panel design, may be used as accent materials, as part of the façade face comprising no more than 25%. An exception to allow any building material can be made where a solid vegetative screen exists or is installed which shields that portion of the façade(s) from private or public rights-of-way~~public view~~, as determined by the planning director.

~~(3)~~ (3) *Façade(s) not visible from a publically dedicated or private right-of-way.* Sides not visible from public rights-of-way may use ribbed paneling, painted cinder blocks or other materials.

(4) Roofs may be of a standing seam metal material, but ribbed metal is not allowed. Roof colors must be of a neutral tone, such as beige, brown, grey or subtle natural colors such as forest green or black. An exception to the color requirement may be approved by the Planning director.

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(45) *Type of building materials encouraged.* Examples of building materials which are encouraged include masonry, wood, fibrocement product, such as hardiboard, textured vinyl and stucco and other new and innovative materials as they become available in the marketplace. Green roofs and Leadership in Energy and Environmental Design (LEED) construction or equivalent standards are encouraged.

(6) Existing buildings that are listed in the National Register of Historic Places are exempt from these standards where they are in conflict with the Secretary of Interior guidelines.

(7) Building shapes are not restricted as long as they meet all other requirements, including building and fire codes.

Item # 22

Sec. 44-436 Economic Development Overlay (ED-O).

(c) *Development standards.*

(1) New residential subdivisions, existing and new single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the ED-O district.

(2) Churches and existing commercial/office institutional/industrial uses or properties are exempt from the provisions of the ED-O district.

(3) Property ~~With the exception of Subsection (c) below, property~~ being developed for nonresidential or multifamily uses:

a. In the Hwy. 321 corridor component of the ED-O must

1. ~~must be~~ Be rezoned to 321-ED(MX) or (I). Schools; public use facilities and public utility facilities are exempt from rezoning; and

2. ~~meet~~ Meet the regulations of the 321-Economic Development (321-ED) Special District, Sec. 44-446.

b. In the I-40 corridor component of the ED-O must

1. ~~must be~~ Be rezoned to the applicable zoning district. Schools; public use facilities and public utility facilities are exempt from rezoning; and

2. ~~meet~~ Meet the regulations of the 321-Economic Development (321-ED) Special District, Sec. 44-446.

(c) Special uses which are allowed within the ED-O under Sec. 44-406.03 do not require a rezoning and follow the procedures set forth in Sec. 44-328 and standards within Article VI for the specific use.

Item # 23

Sec. 44-446. 321-Economic Development District (321-ED)

Sec. 44-446.03. Special uses in 321-ED district.

The following uses may be allowed as special uses in the 321-ED district in accordance with Table 44-403-1 based on the residential zoning of the property:

(a) Airstrip;

(b) Boardinghouse, rooming house and bed and breakfast;

~~(c) Campgrounds;~~

~~(dc)~~ Cemetery, human public;

~~(ed)~~ Cemetery, pet;

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- (f) ~~Circus, carnival or fair;~~
- (ge) ~~Commercial nurseries/landscaping businesses;~~
- (h) ~~Ham radio antenna;~~
- (if) Hospice house-residential facility;
- (ig) Kennel;
- (kh) Membership organizations;
- (li) Public service facilities;
- (m) ~~Public use facilities;~~
- (n) ~~Radio-frequency test facility;~~
- (ej) Recreational fish lake or pond;
- (pk) Roadside stand, commercial; and
- (ql) Telecommunications tower.

The approval of all special use requests in the 321-ED district must follow the procedures set forth in Sec. 44-328 and standards within Article VI for the specific use.

Item # 24.

Sec. 44-446. 321-Economic Development District (321-ED)

Sec. 44-446.05. Detailed site plan required.

(a) *Contents.* No building permit shall be issued in the 321-ED district until a detailed site plan is approved as provided in Sec. 44-317. In addition to the requirements of Sec. 44-317, the detailed site plan must include the following:

- (1) ~~Screening and buffering from roadways and adjacent sites that eliminates views from all directions;~~
- (21) Provisions that indicate any storage will occur in an enclosed building;
- (32) Provisions to significantly contain noise, odors, smoke and dust and light on site; and
- (43) Financial guarantees that public roadways that are damaged by the movement of heavy equipment or earthen materials shall be repaired at no cost to the public.

Item # 25.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 2. Supplemental Uses

Sec. 44-607.

Accessory structure.

An accessory structure cannot be permitted unless a principal structure exists on the same zoning lot or a building permit for a principal structure has been issued at the same time the accessory structure permit is issued.

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(a)

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l single-use accessory structure.

(3) Accessory structure must be separated from the principal structure by at least 40-5 feet of open space.

Item # 26.

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ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 2. Supplemental Uses

Sec. 44-624. Swimming pool, private – in ground and above ground.

(a) Swimming pools must not be erected in any required front setbacks.

(b) Swimming pools must be separated from the principal structure by at least 40-5 feet. For the purpose of this regulation, a deck will not be counted as part of the principal structure, making it acceptable for the dwelling and the pool to be connected by a 5 foot or larger deck.

(c) Swimming pools may not be located any closer than 10 feet from any side lot line and 10 feet from any rear lot line.

Item # 27.

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Note: Please see Sec. 44-403 - Use regulations and Table 44-403-1 - Use Matrix at the end of this document for applicable revisions.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 3. Special Uses

Sec. 44-638. Accessory dwelling unit/guesthouse.Reserved.

(a) — The following are allowed to be used as an accessory dwelling unit/guesthouse:

(1) — Stick-built home meeting all applicable sections of building code;

(2) — Modular home meeting all applicable sections of building code; or

(3) — Class A or B (doublewide/multi-section or singlewide) manufactured home subject to:

a. — A lineal family member or sibling use; and

b. — Parcel must be located within the DWMH-O district

(b) — The use must comply with all requirements of the County division of environmental health, for on-site sewage and well regulations.

(c) — A detached accessory dwelling unit shall be permitted as an accessory to any detached primary single-family dwelling unit. A manufactured home may be considered a primary residence only if it is categorized as real estate by the Catawba County tax office, as opposed to personal property. The accessory dwelling unit must be clearly subordinate to the principal structure.

(d) — No more than one accessory dwelling unit shall be permitted on a single-deeded lot in conjunction with the principal dwelling unit.

(e) — The accessory dwelling unit and the principal dwelling must be owned by the same person. The owner must reside in one of the dwellings or on an adjacent parcel.

(f) Accessory dwelling units must adhere to the maximum permitted height requirement for the zoning district.

(g) Unless the accessory dwelling unit is accessed from a different road or street than the principal structure, the accessory dwelling unit must share a driveway with the principal structure.

(h) Where a stick-built or modular unit is the principal dwelling, the accessory dwelling unit must not exceed 650 square feet or 50% of the gross heated floor area of the principal dwelling, whichever is greater.

(i) Where a manufactured home is the principal dwelling, the accessory dwelling unit must occupy less than the square footage of the principal dwelling.

(j) The accessory dwelling unit may be combined with a garage, workshop, etc.

(k) An accessory dwelling unit must adhere to the principal setbacks for the district.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 2. Supplemental Uses

Sec. 44-631. Accessory dwelling unit/questhouse.

(a) The following are allowed to be used as an accessory dwelling unit/questhouse:

(1) Stick-built home meeting all applicable sections of building code;

(2) Modular home meeting all applicable sections of building code; or

(3) Class A or B (doublewide/multi-section or singlewide) manufactured home subject to:

a. A lineal family member or sibling use; and

b. Parcel must be located within the DWMH-O district

(b) The use must comply with all requirements of the County division of environmental health, for on-site sewage and well regulations.

(c) A detached accessory dwelling unit shall be permitted as an accessory to any detached primary single-family dwelling unit. A manufactured home may be considered a primary residence only if it is categorized as real estate by the Catawba County tax office, as opposed to personal property. The accessory dwelling unit must be clearly subordinate to the principal structure.

(d) No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.

(e) The accessory dwelling unit and the principal dwelling must be owned by the same person. The owner must reside in one of the dwellings or on an adjacent parcel.

(f) Accessory dwelling units must adhere to the maximum permitted height requirement for the zoning district.

(g) Unless the accessory dwelling unit is accessed from a different road or street than the principal structure, the accessory dwelling unit must share a driveway with the principal structure.

(h) Where a stick-built or modular unit is the principal dwelling, the accessory dwelling unit must not exceed 650 square feet or 50% of the gross heated floor area of the principal dwelling, whichever is greater.

(i) Where a manufactured home is the principal dwelling, the accessory dwelling unit must occupy less than the square footage of the principal dwelling.

(j) The accessory dwelling unit may be combined with a garage, workshop, etc.

(k) An accessory dwelling unit must adhere to the principal setbacks for the district.

Sec. 44-631-632 - 634. Reserved.

Item # 28

Note: Please see Sec. 44-403 - Use regulations and Table 44-403-1 - Use Matrix at the end of this document for applicable revisions.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 2. Supplemental Uses

Sec. 44-637. Standards for individual special uses.

(a) All special uses must meet the landscaping buffers, screening, signage and parking regulations in Article V or the specific standards for the individual special use, if noted. Access to and from the special use site must comply with NCDOT standards for a driveway connection permit. The following sections contain standards applicable to each individual special use.

(b) ~~Special-use permits must be recorded at the Register of Deeds within 60 days of receiving the permit.~~

Item # 30

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 3. Special Uses

Sec. 44-646. Care facility - child and adult care center.

(a) A paved semicircular driveway, 20 feet in width with a minimum inside radius of 20 feet.

(b) A fenced outdoor ~~playing-play~~ area for children must be placed in the rear ~~setback~~ side yard.

(c) Uses designed to accommodate more than 30 patrons must have:

(1) Frontage on a ~~major-minor~~ collector road or higher classification as shown on the County Thoroughfare Plan or a ~~major-minor~~ thoroughfare or higher classification as shown on the Urban Transportation Plan.

(2) A minimum lot size of 40,000 square feet shall be required.

(3) An ~~improved impervious walkway~~ sidewalk connecting a child care facility to the street where buses may drop off school children.

(d) ~~Child and adult care centers must be located as follows:~~

(1) ~~So that the center forms part of a group of community service uses, such as churches, schools, parks, and the like.~~

(2) ~~At the edges of commercial or office developments, having a transition between these uses and surrounding residential uses.~~

(e) The design, intensity, and scale of the ~~childcare center~~ child and adult care center must be compatible with surrounding land uses and zoning.

(f) All state rules and requirements must be met.

(g) One non-illuminated sign with a maximum area of 16 square feet is permitted.

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DEFINITIONS

Child care center: A program or arrangement where more than 6 children who do not reside where the care is provided, receive care on a regular basis at least once a week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full time custodians, or from persons not related to them by birth, marriage, or adoption. Child care center does not include the following: A program or arrangement where 3 or more children, less than 13 years old, who do not reside where the care is provided, receive care on a regular basis at least once a week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

1) Arrangements operated in the home of any child receiving care if all of the children are related to each other and no more than 2 non-related children are in care;

21) Recreation programs operated for less than 4 consecutive months in a year;

3) Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;

4) Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;

52) Public schools;

63) Nonpublic schools described NCGS 115C, Article 39, Part 2 that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility for less than 6 1/2 hours per day either on or off the school site;

74) Bible schools conducted during school vacation periods;

85) Care provided by facilities licensed pursuant to NCGS 122C, Article 2; or

6) Church facilities where the child care activities are located on the same campus or adjacent property.

9) Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment;

10) Any child program or arrangement consisting of 2 or more separate components, each of which operates for 4 hours or less per day with different children attending each component.

Item # 31.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 3. Special Uses

Sec. 44-651. Firing range – outdoor.

(a) The use must not be located within 2,640 feet of any residence.

(b) The maximum caliber for rifled barrels, shall be .45 for black powder barrels and .60 for non-rifled barrels 12 gauge. All state and federal requirements must be met.

(c) A projectile-proof backstop, consisting of concrete, steel, earth, or any combination, at least 15 feet high must be erected and maintained behind all target areas.

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Item # 32

Note: Please see Sec. 44-403 - Use regulations and Table 44-403-1 - Use Matrix at the end of this document for applicable revisions.

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ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 3. Special Uses

Sec. 44-667.

Dredging, shoreline stabilization and off-site construction operations.

- (a) A minimum lot size of 2-acres is required.
- (b) Hours of operations, including the running of equipment, is limited to 7:00am to 6:00pm on weekdays.
- (c) Storage of spoil materials are limited to a maximum height of 10 feet and must be screened to comply with Sec. 44-527.
- (d) All landscaping requirements of Sec. 44-523 must be met.
- (e) The board of adjustment may wave off-street parking requirements in Sec. 44-534, based on the nature and size of the business or the topography of the site.
- (f) The use cannot be located in major subdivision.
- (g) All State, Federal and Duke Energy Lake Management Permits must be obtained.

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Sec. 44-~~667-668~~ - 684. Reserved.

Item # 33

Note: Please see Sec. 44-403 - Use regulations and Table 44-403-1 - Use Matrix at the end of this document for applicable revisions.

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ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 2. Supplemental Uses

Sec. 44-633. Winery or brewery.

- (a) All buildings must meet the minimum principal setbacks for the district.
- (b) The parcel must be a minimum of 10 acres.
- (c) The winery cannot be located in a major subdivision.
- (d) The winery building(s) is allowed as a principal structure.

Sec. 44-~~633~~-634. Reserved.

DEFINITIONS

Winery/brewery - The use of land for activities involved with the processing/packaging of wine and beer and may include a tasting and retail sales area.

Item # 34

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DEFINITIONS

Bonafide farm - The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one of the present use value criteria:

(1) Agricultural land, consisting of at least 10 acres, or horticultural land, consisting of at least 5 acres, both of which may be in one or more tracts that are in actual production. These tracts may be owned or leased by the operator which must have one of the following:

a. These tracts may be owned or leased by the operator and had sales Sales of \$1,000.00 for the each of the 3 years preceding January 1 of the year of application; or

b. A business plan, which at a minimum must include a marketing strategy and projected income and expenses;

c. A signed contract with an established retail or wholesale entity showing a future sales outlet for the product; or

d. Production of a non-farm product recognized by the North Carolina Department of Agriculture and Consumer Services as a "Goodness Grows in North Carolina" product, that is produced on a farm subject to a conservation agreement under G.S 106-743.2.

(2) A minimum of 20 acres of forestland for which a woodland management plan has been prepared by the U.S. Forest Service.

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Item # 35

Sec. 44-326. Zoning map (rezoning) and text amendments.

(h) Effect of withdrawals or denials on Subsequent applications.

(1) An applicant may withdraw the application at any time by written notice to the planning director subject to the following conditions: However, any withdrawal of an application after

a. Planning board: Any application withdrawn, prior to or after the planning board's action on the public hearing, advertising the first public hearing notice for the board of commissioners is not considered a denial of the applications subject to a 12-month waiting period for re-submittal.

b. Board of Commissioners: Any application withdrawn after the first advertisement of the board of commissioner's public hearing, or after a denial of the request may not be resubmitted within 12 months of the date of the board of commissioner's action on the public hearing, unless substantially changed.

(2) If the application is withdrawn by the applicant or the application is denied by the board of commissioners, the planning director shall not accept another application for the same, or substantially the same amendment affecting the same property for a 12-month period, from the date of denial or withdrawal, as relevant.

(32) A withdrawn or denied application must follow the procedures for a new application.

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Item # 36

Sec. 44-329. Variances.

(a) *Applicability.* This Section applies to any application to vary any dimensional requirements or modify any of the provisions of this Chapter but does not include a use variance.

(b) *Application.* The application for a variance, along with a plot plan, sealed by a licensed professional, must be submitted to the planning director and must include information required by the procedures manual.

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Item # 37

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Sec. 44-706. Discontinuance of use.Abandonment.

If active operations, including marketing the property for sale, are discontinued for a continuous period of 180 days, with respect to a nonconforming use of land or structure:

- (a) The land or structure may only be used for a conforming use; and
- (b) All development standards of this Chapter shall apply at the time that the use or structure is reestablished or reconstructed.

Item # 38

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ARTICLE VIII. ABANDONED AND JUNKED VEHICLES

Sec. 44-801. Jurisdiction.

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In accordance with NCGS 153A-122, this Article applies to, and is enforceable in, ~~any-un-incorporated~~ part of the County ~~which is not within and areas within the~~ city's Extra Territorial Jurisdiction (ETJ) jurisdiction. However, the governing board of any city within the County may by resolution permit this Article to be enforced within the city. The board of commissioners may approve to accept a resolution by the city to set the date and terms of enforcement of this Article within the city. The city may, by resolution, withdraw its permission to enforce this Article within the city. The city must give the County at least 30 days advance, written notice of its intent to withdraw permission.

Item # 39

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Note: Please see Sec. 44-403 - Use regulations and Table 44-403-1 - Use Matrix at the end of this document for applicable revisions.

ARTICLE VI. SPECIAL PURPOSE REGULATIONS

Division 3. Special Uses

Sec. 44-668 Sanitary Landfill.

In addition to compliance with the submission requirements and regulations associated with all special uses, the following is required:

- (a) Two copies of a completed landfill permit application form from the solid waste management section of the division of health services.
- (b) A reclamation plan must be submitted with the application.
- (c) The landfill will be considered a LI/GI (light industrial/general industrial) use intensity as shown in Table 44-523-1 to meet parcel perimeter requirements of Sec. 44-523(f). If existing vegetation is used to meet the buffer requirements, as allowed in Sec. 44-523(f)(3)b., the vegetative buffer must be 50 feet in width.
- (d) In addition to the parcel perimeter screening requirements of Sec. 44-523(f) at property lines, the use must be screened from any rights-of-ways.
- (e) The landfill must be set back 100 feet from any right-of-way or adjoining property line.
- (f) All applicable state and federal regulations must be met.

Sec. 44-668-669 - 684. Reserved.

Item # 40

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Sec. 44-403. Use regulations

(a) The permitted use and structures within each zoning district are shown in Table 44-403-1 Use Matrix.

(b) Uses or structures that are not expressly listed in the use matrix or throughout this Chapter are permitted in districts where similar uses are permitted. The planning director may determine that a use is materially similar if:

(1) The use is listed within the same structure or function classification as the use specifically listed in the use matrix, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association; or

(2) If the use cannot be located within one of the LBCS classifications pursuant to Subsection (1) above, the planning director shall refer to the most recent version of the North American Industry Classification System (NAICS), published by the Executive Office of the President, Office of Management and Budget.

(c) The letter symbols in Table 44-403-1 have the following meanings.

The letter ...	Has the following meaning ...
P	<i>Permitted uses.</i> The letter "P" indicates that the listed use is permitted by-right within the zoning district. Permitted uses are subject to all other applicable standards of this Chapter.
S	<i>Special uses.</i> The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a special use permit, in accordance with the review procedures of Sec. 44-328 of this Chapter. Special uses are subject to all other applicable standards of this Chapter and those requirements that may reasonably be imposed by the County consistent with the criteria set forth in Sec. 44-328 of this Chapter and any supplementary use regulations that apply to the use.
A	<i>Accessory uses.</i> An "A" indicates that the listed use is permitted only where it is accessory to another use that is permitted in the district on the same lot.
O	<i>Overlay districts.</i> The overlay districts designated may impose greater restrictions, require higher development standards, prohibit certain uses, and require additional approvals, as stated in the overlay district regulations.
	<i>Prohibited uses.</i> A blank cell indicates that the use is not permitted in the district or a zoning procedure is required for approval as listed in the reference column.

(d) The reference column in Table 44-403-1 indicates the Article, Division or Section of this Chapter where additional regulations are required for the specific use. Sections are referenced as "44-xxx". The letter "S" references the section for special use standards and the letter "P" references the section for supplemental regulations.

8. Appointments.

Commissioner Barbara Beatty recommended the appointment of John Eller to the Community Child Protection/Fatality Team in the Social Services Director Category to succeed Bobby Boyd who is retiring. Vice-Chair Lynn Lail recommended the reappointment of Gina Griffith to a second term on the Nursing and Rest Home Advisory Committee, expiring November 19, 2011 and recommended the Western Piedmont Council of Governments appoint John Eller to the Workforce Development Board for an unexpired term, expiring June 30, 2009, to replace Bobby Boyd. Chair Barnes recommended the appointment of Dr. Karen McDougal to the newly established Parks Advisory Committee for a three year term, expiring October 6, 2011 and the appointment of John Eller to replace Bobby Boyd on the Juvenile Crime Prevention Council for an unexpired term, expiring June

30, 2009. These recommendations for appointments came in the form of a motion and carried unanimously.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the following four items on the consent agenda:

a. A request for the Board to accept a grant in the amount of \$19,691 from the US Department of Justice, State Criminal Alien Assistance Program (SCAAP). The SCAAP is a formula based grant program that provides agencies with reimbursement for some of the costs associated with housing potential undocumented criminal aliens in local jail facilities. This grant is totally federally funded, so no local matching funds are required. Grant funds are based on individuals held in the Newton Detention Center and those held for Catawba County at the Burke/Catawba District Confinement Facility in Morganton during fiscal year 2006/2007. These funds may be used for correctional purposes only. Staff determined the best use of this grant would be for medical services in the jail. This expense is unpredictable during the year, as it depends on the inmates' presented medical conditions. The need fluctuates as the population changes.

b. A request for the Board to authorize the sole source exception from formal bidding for purchase contracts, for the purchase of VisionMOBILE Software from VisionAIR for field based reporting and to aid in the dispatch of public safety personnel. Catawba County has been using VisionAIR products since March 1998, in the areas of computer-aided dispatch, records management, field based reporting, fire service management, GeoLynx mapping, and a jail management system. VisionAIR Mobile would enhance the County's current investment by enabling the flow of information to and from units in the field. In addition to data and reports, it incorporates GPS tracking with Automated Vehicle Locating (AVL). Units would be dispatched on the basis of the closest available unit. Once dispatched, call information will be sent to a unit's onboard computer with address and mapping directions for the incident. The County will benefit from this purchase by increased officer safety through GPS and AVL technologies, improved response times by using visual maps of the nearest public safety units, improved response times by sending information of dispatched calls to public safety units, more efficient delivery of information to Public Safety laptops from existing databases (warrants, criminal history, HAZMAT, etc.) and because officers will be able to enter reports directly from the field. VisionMOBILE is designed to fully enhance the systems the County currently uses and transform the County's public safety divisions into a mobile platform. North Carolina General Statute 143-129 allows an exception from formal bidding for purchase contracts when performance or price competition for a product are not available; when a needed product is available from only one source; or when standardization or compatibility is the overriding consideration. VisionMOBILE is the only product that will fully integrate with the County's current systems.

c. A request for the Board to approve a proposed Catawba County Work First Plan for the 2010-2011 biennium for submission to the North Carolina Department of Human Resources. In 1996, Congress ended the national welfare program known as AFDC (Aid to Families with Dependent Children) and crafted legislation to allow states to implement their own welfare programs. This federal devolution of authority enabled the North Carolina General Assembly to go even further with welfare reform. The legislature took the next step; allowing counties to compete for Electing County status – in essence offering a limited number of counties the opportunity to have greater control over local welfare policies, as well as greater control over available funding. On September 2, 2008, the Board voted to pursue "Electing County" status and appointed a committee to assist in the development of the County's Work First Plan. The plan was available for public review and comments from September 22, 2008 to September 26, 2008. Copies of the plan were placed at the Catawba County JobLink Career Center, Department of Social Services and on the Social Services Web Page. The philosophy of the Work First Plan incorporates quality values and organizational standards that reflect respect for the worth and dignity of every citizen. Catawba County's plan includes long-term successful family and child well-being outcomes for the entire Work First population. The proposed plan is essentially the same plan that has been in place. "Electing County" status continues to be preferred for Catawba County because it allows greater flexibility in program administration and the possibility to be financially advantageous, though it is expected to be less advantageous than in past years. The County may change its designation at any time prior to April 1, 2009 and may wish to do so as new information becomes available.

d. A request for the Board to authorize the Tax Administrator, on an individual basis, to allow extensions for listing personal property. If approved, the extensions will not be granted beyond April

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15, 2009. Businesses and corporations whose business year ends on December 31 of each year, and some individuals, can have difficulty completing their listing abstracts by January 31 of each year because they are unable to calculate an inventory that is taken on December 31 and submit this figure to the Tax Administrator. North Carolina General Statute 105-307 allows the Board of Commissioners to grant individual extensions of time for the listing of personal property upon written request and for good cause shown. The request must be filed with the Tax Administrator no later than the end of the regular listing period, meaning a letter must be written and postmarked no later than January 31, 2009 and must provide the reason the extension is being requested.

Chair Barnes asked if any Commissioner wished for an item or items to be removed from the consent agenda and considered individually. None were requested. Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Reports:

Tax:

Ona Scruggs, Tax Collector presented the Fiscal Report and Settlement of 2007 taxes for the Fiscal Year extending from July 1, 2007 to June 30, 2008, in accordance with North Carolina General Statutes. The report reflected that \$73,413,813 in real estate and personal property tax (97.92%), and \$5,797,157 in motor vehicle tax has been collected as of June 30, 2008, with \$1,557,830 outstanding in real estate and personal property tax. Vice-Chair Lail made a motion to accept this report. The motion carried unanimously. County Attorney Debra Bechtel added a statement that Paralegal Cari Burns of the County Manager's Office worked tirelessly on the collection of overdue taxes. The complete report is as follows:

FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008
CATAWBA COUNTY 2007 TAX YEAR
REAL ESTATE / PERSONAL PROPERTY TAXES - COUNTY AND FIRE DISTRICTS

ADJUSTED LEVY as of 6-30-08	\$ 74,971,643
BALANCE OF A/R as of 6-30-08	\$ 1,557,830
COLLECTIONS as of 6-30-08	\$ 73,413,813
PERCENTAGE COLLECTED as of 6-30-08	97.92%

I, Ona Scruggs, do hereby affirm that this is a true and accurate report concerning the tax levy of Catawba County, North Carolina, for Fiscal Year 2007 / 2008, 2007 tax year. This is the 3rd day of October, 2008.

NORTH CAROLINA, CATAWBA COUNTY

I, Kay M. Bowman, Notary Public, do hereby certify that Ona Scruggs, personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal, this the 3rd day of October, 2008.

COLLECTIONS FROM OTHER SOURCES

Real and Personal Property Taxes

Collected 2007 . . . County and Fire Districts	\$ 73,413,736
Interest . . . 2007 and Prior Years	\$ 325,275
Prior Years 1996-2006 . . . Principal - County & Fire	\$ 1,152,970

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Vehicle Tax

Collected 2007 . . . County & Fire Districts	\$ 5,797,157
Prior Years 1997-2006 . . . Principal - County & Fire	\$ 755,648
Interest on Vehicle Tax . . . 2007 and Prior Yrs	\$ 103,830
Prepaid Tax Distribution on 2008 County Tax	\$ 253,449
NSF Check Charges	\$ 5,991
Garnishment & Attachment Fees	\$ 23,947
Privilege Licenses	\$ 25,127
Gross Receipts Tax . . . (Tax on Rental Vehicles)	\$ 77,710
Fees for Deed and Map Copies	\$ 860
* Municipal Collection Charges:	
Cities @ \$3.64 / bill and \$3.17 / bill Out of County	\$ 149,840
Cities Fees of 1 1/2% on Auto Tax Collected	\$ 39,075

* MUNICIPAL COLLECTION CHARGES

Brookford	309 Bills	x	\$ 3.64	=	\$ 1,124.76
Catawba	628 Bills	x	\$ 3.64	=	\$ 2,285.92
Claremont	1,130 Bills	x	\$ 3.64	=	\$ 4,113.20
Conover	5,163 Bills	x	\$ 3.64	=	\$ 18,793.32
Hickory	21,546 Bills	x	\$ 3.64	=	\$ 78,427.44

94 (Burke County) Bills	x	\$ 3.17	=	\$ 297.98 ** \$ 78,725.42
Long View	2,536 Bills	x	\$ 3.64	=	\$ 9,231.04
449 (Burke County) Bills	x	\$ 3.17	=	\$ 1,423.33 ** \$ 10,654.37
Maiden	2,158 Bills	x	\$ 3.64	=	\$ 7,855.12
Newton	7,222 Bills	x	\$ 3.64	=	\$ 26,288.08

TOTALS	41,235 Bills				\$ 149,840.19
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* No data processing was done by Catawba County's ITC for these Burke County Bills.

** \$3.17 represents the cost of collection for each bill.

* \$0.47 represents the cost of IT data processing for each bill.

11. Other Items of Business: None
12. Attorneys' Report. None
13. Manager's Report. None.

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14. Adjournment: Chair Barnes adjourned the meeting at 10:40 p.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk